

THE BROOKINGS INSTITUTION

REIMAGINING U.S. IMMIGRATION POLICY

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P R O C E E D I N G S

MR. WEST: I'm Darrell West, Vice President of Governance Studies and Director of the Center for Technology Innovation at the Brookings Institution, and I would like to welcome you to this forum on U.S. Immigration Policy. It has been a busy time for immigration.

Our President gave a major speech last week on the need for comprehensive immigration reform. And yesterday the Justice Department announced it was suing the state of Arizona for preemption of the federal role in immigration policy. And it's only Thursday, who knows what's going to happen tomorrow or next week? It seems like every day and every week there's something big and dramatic happening in the immigration area.

It also has been a big week for me personally, because the Brookings Institution published my new book, Brain Gain: Rethinking U.S. Immigration Policy. And the book store does have copies out in the hallway if you are interested, and I will be signing copies at the conclusion of this event. And in the book, I argue that we need to in our comprehensive reform in order to boost long term economic development. I put a picture of Albert Epstein on the cover of the book to remind all of us about the many contributions that immigrants have made to American life over the years. We all know that Intel was founded by a Hungarian immigrant that Google was co-founded by a Russian immigrant, and that Yahoo was established by someone born in Taiwan. What would the American economy look like today if Intel was a Hungarian company, Google was based in Russia, and Yahoo was a Taiwanese company?

In my book, I argue that these are not isolated stories. Studies have found that more than one-half of Silicon Valley companies had a foreign born founder or co-founder. Immigrants have made vital contributions to our economy, our knowledge

base, our agricultural sector, our social life, our cultural heritage, our culinary life, and the world of sports.

Yet despite these and other immigrant contributions, our country is paralyzed by immigration policy. I talk in the book about why it is difficult for our political leaders to address immigration even though virtually everyone dislikes the status quo. I review press coverage about immigrants over the years and suggest that the media focus on bad news and not the good news about immigration. We have a long history dating back to the Chinese Exclusion Act of 1882, of the media inflaming public opinion and polarizing our national discussions.

I actually went back and reviewed 50 years of public opinion data on immigration to see the ebbs and flows of how we think about immigrants and immigration.

I look at our legal justice system and analyze the disparities in justice in the immigration courts depending on whether you have an attorney. For example, in removal proceedings, defendants win their cases 46 percent of the time if they had a lawyer, but only 16 percent of the time if they did not have an attorney.

I talk about border security and how illegal border crossings from Mexico actually are at a 30 year low. Even though most people do not believe this because they haven't looked at the annual numbers going back over a long period of time, we actually have made tremendous progress on securing our border. That story never gets reported.

I wrote this book to inject some facts into what is a very emotional and polarizing topic for many people. When you look both at our history, as well as our contemporary discussions over immigration, we have made a number of very bad policy decisions. We need to step back and think about what it is we want to accomplish as a nation and what are the best ways to get us where we want to go.

I actually got interested in this subject several years ago when I married a German woman. In seeking to bring her to the United States and get her a green card, I discovered how complex and frustrating the immigration process is.

I have a PhD in political science, but I have to say, I found the entire process very confusing and very difficult to navigate. Maybe that was because I had a PhD, I don't know if that helped or hindered.

But we eventually did get her the green card, but discovered many things along the route that I, as an American, did not know about the immigration process. So my book is designed to inform other people about the choices that we face and what we need to do in order to move forward in this very important area.

To help us develop a better understanding of the immigration area, we have put together a distinguished set of speakers. Celinda Lake is the President of Lake Research; she is one of our country's leading pollsters. She has worked closely with a variety of democratic candidates on tactics and strategy. She actually was Governor Janet Napolitano's pollster on this issue, as well as other issues. She's advised various national party committees and a variety of office seekers around the country, as well as a number of groups that work in this area. She was also the pollster for Vice President Joe Biden in 2008. She's appeared on or been quoted in virtually every leading news outlet in the United States and given the people the benefit of her research and expertise.

In recent months she has focused on public attitudes towards immigration reform, the new Arizona law, and ways progressive advocates need to reframe the issue in order to pass comprehensive reform. So she will be addressing the role of public opinion in immigration reform.

Juan Osuna is Associate Deputy Attorney General in the United States Department of Justice. Before he was appointed to that position, he was in the

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Department of Justice and had oversight over the Office of Immigration Litigation, which, as you all know, had a very busy week this week. When he was there, he helped organize civil immigration litigation and coordinate immigration matters before the various federal district courts and the circuit courts of appeals. Prior to that appointment, Juan chaired the Board of Immigration Appeals, the highest administrative body for interpreting U.S. immigration law. He received his BA from George Washington University, his law degree from American University, and a master's degree in law and international affairs from American University. So he will be discussing the legal and policy aspects of the immigration area.

The format that we're going to follow today is Celinda and Juan will outline their respective thoughts on immigration. I will have a few questions for each of them and then we will open the floor to questions from our audience. So we will start with Celinda Lake.

MS. LAKE: Thank you very much. Now, the presentation is loaded on the computer, but I – oh, there it is, great, magic. Thank you very much, and it's really nice to be here. And I want to thank Doctor West in particular and Brookings in general for adding more light to a conversation that often has more heat than light to it, so I think it's a very, very thoughtful book and a very, very useful analysis of a lot of great information out there. What I want to show you is a recent survey that we have done looking at voters nation wide and with an over sample of Latino voters, a very, very important constituency, obviously, in the 2010 elections, but frankly, even for the future in elections, where we looked at what is the context around immigration, how do people feel about the Arizona law, how do people feel about comprehensive reform, and how might this play out in the current elections.

One of the reasons that I love being a pollster is that conventional wisdom is usually about 95 percent wrong, plus or minus five percent and this is an area, yet again, where conventional wisdom is wrong.

So as other public polls have shown, and there are tons of public polls out there, we found a majority of voters do support Arizona's new immigration law. But that's where the accuracy stops. The assertion has been, particularly in this town, that the law supported means a diminishing support for comprehensive reform and that the law was supported as a rejection of comprehensive reform, both couldn't be more wrong.

So, first of all, we found that when people pass the Arizona law, the passage of the law and the laws favored nation wide was largely about frustration, and particularly about frustration that nothing is getting done at the federal level. People still feel overwhelmingly that this deserves a federal solution, not a state solution. And even people in Arizona believe that this problem would be better served by a national solution than just a state by state solution.

Support for comprehensive immigration reform is stronger than it ever was, and, in fact, is strongly, most strongly supported by those very same people who support the Arizona law.

Comprehensive reform is supported just generically and people are becoming increasingly aware of what comprehensive reform is, but it's also supported very strongly when described as strengthening border security, and Doctor West talks in his book about the importance of that as a component, cracking down on employers who hire illegal immigrants and requiring those who are here illegally to register, pay taxes, learn English, and go to the back of the line for citizenship.

We found that requiring, and we attacked this proposal for being amnesty, people said, no, this is not amnesty, you're requiring people things, it's not just

like, well, you're here, oh well, it's you're required to register, pay taxes, work, learn English. Interestingly, people thought if you pay taxes, you really should become an American, because there's nothing more all American than the fate of sharing the taxes and the IRS. So people thought that if you pay taxes, then definitely, welcome to the boat.

And people thought also that learning English was better than knowing English. People didn't want a lot of grammar tests out there for themselves or others, but learning English they felt was important.

Finally we asked people, what about acting now, and people want to act now. One of the really interesting conversations in the book is about how the mood has been set for reform in terms of the economy and in terms of the flow of immigration. And ironically people say this is a bad time for immigration reform. Actually what we found in our work is that it's a good time for immigration reform.

People do have more awareness actually that the flow is down. We were testing immigration reform in Michigan; who knew that the Canadians were such a threat. And Michiganders are feisty about immigration, as are voters everywhere. But as one eloquent blue collar worker said in Michigan, you would have to be an idiot to come to Michigan for a job right now, and these people don't look that dumb to me. So the flow and the economic situation has actually made it easier to have this conversation. People also think this was pretty much an equal opportunity recession, that everybody lost their jobs in this recession/depression. And again, it makes it easier to have this conversation actually that I think during a time of recovery, when there will be more tension about who's getting jobs and who's not.

So let's look at some of this data. First of all, comprehensive reform, do you support or oppose Congress passing comprehensive reform? And this is without

defining what it is. And there was a time, in fact, frankly, during the time of the last debate, where people didn't have a very good sense of what comprehensive reform was.

Now there's increasing awareness of comprehensive reform, and 57 percent of people say, without it being defined, yes, I support Congress passing comprehensive reform; only 18 percent are opposed to it.

It's not the overall levels of support, though, that are so key here. What's particularly key is intensity; it's who's the most intense on any of these emotional issues, whether you're talking about abortion or gay marriage or immigration. And here we see the intensity, again, contrary to conventional wisdom with us, 42 percent of the voters saying that they strongly support comprehensive reform, only 11 percent saying that they strongly oppose it.

Very key and important audience, Latino voters, who are an increasingly important constituency, increasingly disengaged as we approach the 2010 election, and a very, very important constituency, one that George Bush fought over and Karl Rove had a strategy for, and one that Barack Obama had record high levels of support and turnout among. Among Latino voters, 60 percent favor comprehensive immigration reform.

Then we defined the bill and we defined it, as we said, including border security, including registering, paying taxes, learning English and getting to the back of the line. Seventy-eight percent of voters in favor of it, 61 percent strongly, 77 percent of Latino voters in favor of it, 61 percent strongly, and here you can see the exact language.

Every single political and demographic group overwhelmingly supported comprehensive reform. And you can see strong bipartisan support. In fact, the republicans don't know they're supposed to be against this, and so their support is actually the highest of anyone's support. Got to love conventional wisdom. And by the

way, you'll notice strong support across the region. In fact, what's interesting is, this issue is not nearly as regionally defined as people think.

We asked people, do you think it would be better – we would be better off if people are in the United States illegally, making them legal taxpayers so they pay their fair share, or would it be better if people who are in the United States illegally left the country because they're taking away jobs that Americans need. Obviously, not pulling all punches here, 58 percent said it would be better to make people who are here illegally taxpayers.

And this notion of collecting taxes has increased in saliency as more and more states are in a budget crisis and people are seeing more and more services cut back and beat by two to one the notion that illegal immigrants should leave because they're taking away jobs. People also think that it's massively unrealistic to deport everyone. We also asked it a different way. We said, okay, what would you do with illegal immigrants, would you say that they should be required to register, become legal, background checks, taxes, English and go to the back of the line, they must leave the country, they should be legally allowed to stay, but only on a temporary basis, 64 percent said register, become legal, undergo background checks.

There was a time when people had no understanding of why illegal immigrants wouldn't become legal, and they thought it was kind of anti American, and they thought, why don't you just go to the post office and fill out the postcard and become an American.

Now people are clear that this is an arduous process, even if they don't have the level of Doctor West's personal experience. But people still believe overwhelmingly, if you're here and you're working and you're paying taxes, become an American and join the rest of us.

People think it's wildly unrealistic to try to deport everyone, and people don't want temporary workers, they want people to be here either long term or not here. And the support for temporary workers is something that has actually diminished with the toughening of the economy.

People say that they will vote this issue. Fifty-six percent of all voters, and 57 percent of Latino voters say this is an important issue to them, and 30 percent of Latino voters say it's a very important issue, 24 percent of all voters say it's a very important issue, and about a quarter to a third of every region, every political group says this is a very important issue to them in their voting.

We asked people, should we take action now or should we wait, and people said, overwhelmingly, take action now, 76 percent said take action now. There is no appetite for waiting on this issue, and at a time when people think Congress really isn't getting anything done. And Congress' own ratings are about as negative as illegal immigrants' ratings are. People want Congress to take some kind of action.

In this same survey, people supported the Arizona law, 60 percent of people supported the Arizona law, 45 percent strongly. But notice among Latino voters, only 35 percent supported the Arizona law, 55 percent opposed it. So there really is a challenge here to people who are running on the Arizona law to end up, as Pete Wilson did for California republicans, of redefining this issue for generations in the Latino community, an increasingly important constituency. Here was the description of the Arizona law, and I think you can see the positive description I think – in that. Supporters of the Arizona law are more likely to be white male republican and supporters of the tea party than voters overall, but it's marginal differences, and they are no more likely to be in one region than another, they're across the board.

When we asked people, why did you support the Arizona law, and this was one of the more important questions, we didn't just assume we knew, and we didn't tell people why they supported, we asked them, and 52 percent, a solid majority, said they supported the law because the state took action when the federal government had failed to solve the problem. And people still respond very strongly to language that you hear the President use that this is a broken immigration system and we need to fix it.

Twenty-eight percent supported the Arizona law because they thought it would reduce illegal immigration, 12 percent because of crime, and eight percent for other reasons or no reason at all. But the overwhelming motivation behind the support for the Arizona law is frustration with the current law, not that people think this is actually the best approach. The reason that people said that they oppose the law, because it will lead to American citizens being asked for papers because of their accent or their race that illegal immigration should be dealt with by the federal government and it will divert law enforcement from concentrating on more serious crimes.

People think overwhelming this needs to be handled by the federal government. And notice here, we're using the dreaded F word, federal, at a time when feelings about government are solidly negative, but people still believe overwhelmingly that this takes a national solution, that you cannot deal with this state by state. And by 56 to 22, actually that's a 34 point margin, sorry, you see people feeling overwhelmingly that the federal should deal with this, not individual states.

And then we looked at support for comprehensive reform by whether or not you supported the Arizona law. Of course, conventional wisdom said, if you support Arizona, you don't support comprehensive reform. Good thing nobody told the voters it's supposed to be that way because that's not how they felt. If you support the Arizona law, 84 percent supported comprehensive reform, including 67 percent strongly. If you were

an opponent of the Arizona law, 62 percent supported comprehensive reform, 48 percent strongly. And again we came back and asked people in a different way, do you support – which view is closer to your own view, that a state by state approach won't work, immigration needs a national solution that tightens the border, cracks down on illegal immigration, and reiterates comprehensive reform, or I think we need a verge of Arizona's law in our state, we need to give police here the tools to enforce our laws, and finally crack down on illegal immigrants, and by a very solid 18 point margin, and including a 13 point margin in intensity, people said, no, I want a national solution here, state by state is not going to work.

So in some rate, three overall points here. And by the way, I should have started out by saying this was a bipartisan poll that we did with public opinion strategies, a republican polling firm.

Number one, people support comprehensive reform. There's been no diminishing support, and the fact that you support the Arizona law is not at all inconsistent in peoples' minds with supporting comprehensive reform. Number two, people supported the Arizona law out of frustration with the system. People want to get moving on fixing the system. They're interested in new approaches and new fixes, and I think that's why Doctor West – such an important contribution to the conversation. And finally, when people think about the solution, they do not think it will work to have a state by state solution, they don't want to be next to a state that doesn't enforce this law, they think that borders cross states, they want a national solution here, they don't want to have people moved by laws from one state to another.

And even Arizonans, who are feisty about their state, and the only state in the union, by the way, that is perfectly happy passing unconstitutional laws, we did test that in 13 different states, 12 states said, no, if it's unconstitutional, I don't want to pass it,

Arizonans said, oh, I'm fine passing it, I want to have my say, but they still thought that we needed a national solution, not a state by state solution. So let me turn it over to my colleague and I look forward to your questions.

MR. OSUNA: It's kind of intimidating. Thank you. Good afternoon, everyone. Thank you, Darrell, for inviting me, thank you to Brookings for having this important event. What I'd like to do is just talk a little bit about what has been happening so far on comprehensive immigration reform, where we've been, maybe a little bit about where we've gone, some of the sections that are likely to be included, and then some of the challenges that we face in trying to get this reform done. The big news, of course, this week is the filing by the Department of Justice of the lawsuit in Arizona. And while it is – obviously, there's strong opinions about that, one thing that we can all agree on that the Department certainly believes is that the Arizona law is a manifestation of a federal failure, failed by the federal government and Congress to enact the very needed reforms on a comprehensive level that really are required in the national interest.

So while that is a manifestation of what has happened, I think that this is something that we can move forward on. The administration believes that, the President very much believes that, and we will see what we can do for the rest of the year and going into next year.

A little bit about where we've been. As the President said last week, we do have a broken immigration system, we do have a system that does not serve the national interest in a lot of different ways, and the only solution to this is a comprehensive national approach that needs to move forward, and it is not going to be easy. There are very, very little issues in American life these days that are more controversial than this particular issue. I always like to say that if you thought that the health care town halls were ugly, wait until Congress starts considering it a comprehensive immigration reform

bill. It's going to be very contentious, it's going to be very, very difficult, but as the President said last week, it is one of the great challenges of our time, and this administration is not willing to kick the can down the road and defer action on such an important issue.

So that is where we are, that is where we're going. Nobody should underestimate how difficult it's going to be. And again, all you have to do is take a look at the last time we tried this, in 2007, when you had a bipartisan group of senators, very high powered senators, with the full backing of the Bush White House for comprehensive immigration reform and it still couldn't get done. So it is going to get a very difficult issue, but it is something that the President and the administration are committed to moving forward on.

Where have we been on this for the past year on comprehensive immigration reform, or as it's known in the vernacular as CIR? The action really started last year with Senator Schumer from New York. And the action has all been in the senate. As you probably know, Senator Schumer took this on, to his credit, and took on the responsibility of trying to crack the bipartisan bill. Senator Lindsey Graham of South Carolina joined soon thereafter, and it looked like things were actually looking fairly favorable for moving forward at least on a bill at some point last year or this year.

Late last summer, the Hill stops working on this, came to the administration and asked for technical assistance for providing them some support, some assistance on the various portions of this bill. And the Department of Homeland Security was designated as the lead agency by the President. The Secretary of Homeland Security is the lead on comprehensive immigration reform. But other agencies, including DOJ, Labor Department and others have played significant roles with various portions of this.

Moving forward, having a lot of meetings with the Hill staff, trying to provide some feedback, some ideas on the impact of some of the – some of the ideas that are being banded around. And it's been a fairly productive set of meetings that were started last summer, and it did look like there was something possibility of something moving forward either late last year or early this year or sometime this summer. The plan really was to have a bill drafted by early in the year and introduced and moving forward in the senate. As I say, a funny thing happened on the way to the forum, the biggest single thing that happened was, of course, the health care debate.

Health care took a lot longer than anybody was predicting, it was very, very controversial, as you know, it really served to enhance the partisan ranker on the Hill that made moving forward on other bills, including immigration, much more difficult.

And things were relatively quiet for a few months. There was still a fair amount of action behind the scenes trying to craft ideas, trying to see what was doable, but there was really not much movement.

There was somewhat of a catalyst for action that occurred just a few months ago, though, and that, of course, was the passage of the Arizona law, SP 1070. Again, it was a recognition that the failure to enact immigration reform on a national level was a real catalyst for that. A lot of organizations started coming forward saying how concerned they were about the effects of the Arizona bill, and the result was a blueprint that the democratic offices on the senate released on April 29th. Senator Schumer, along with other senators, released the blueprint for what comprehensive immigration reform could look like and invited republican support.

But we also had the effect during that time, again, partly because of health care of Senator Graham, who really was a key player here and continues to be a key player, backing away from his efforts with Senator Schumer. And that really put the

entire effort, put it backward a little bit, took several steps back, because one thing that the President believes and we all believe, and it is really one of the few iron clad must dos with this effort, is that it is going to require bipartisan support. It cannot be done only and should not be done with only democratic votes in the senate and in the house.

Even if every single democrat in the senate lined up on this, which is not very likely, it would still not be doable, so it's going to require some significant republican support, not just token republican support, but significant republican support, and that's going to be the challenge moving forward for the rest of the year and at the 2011. So the democratic offices have the blueprint, it's been out there, it's been out there for a while. So far, unfortunately, we have not had any interest from any republican offices going forward, at least not overtly. So if that doesn't materialize any time soon, I think we, you know, it's looking very tough for passage of CIA in 2010, again, absent a change, absent something changing over the next few weeks and actually getting some sort of bipartisan effort on this, but at this point that's looking not very likely. So what we're looking at is probably something post November elections in early 2011 to see if it is actually moving forward.

A couple of somewhat unpredictable, you know, things that could happen, we don't know how things are going to continue to play out, for example, in Arizona. Arizona is somewhat of a volatile situation. There is passion on both sides of this thing, of this bill that's been passed. There is the border narrative that is out there, that the border is not as secure as it could be.

Again, I think what was reported earlier, as Darrell mentioned, the border is more secure now than it ever has been, and the President said that last week. And if any of you go down to the border, you will see that the border of 20 years ago is not the border that it is now in terms of the number of resources that are down there. But it is

going to be something that is going to have to be provided for, additional enhancements are going to be provided for, and the President, in fact, is committed to providing additional enhancements to border security. But if that narrative is out there, and I think that at least some folks are making the argument that until the border is completely secure, CIR is not possible, that's going to be interesting to see how that plays out going forward.

In terms of what is likely to happen post November elections, we really don't know. A lot of it will depend as to what happens in the elections. If we have significant different makeup in Congress, then that's certainly going to change the dynamics of this, but it is something that we all hope and we expect that Congress will move forward on either, you know, this year or more likely maybe post election, because most folks do recognize that even though there's significant disagreements over this issue, this is a national priority and it is something that has to move forward at some point.

And as I said, the President is committed to not kicking this can down the road any further because this is something that, for a number of national priorities, really is necessary. Let me just conclude a little bit with some of the broad sections that I think are likely to be included in comprehensive immigration reform if this ever moves forward, or when it moves forward I should say. And these are very broad, but each one of these is significant and contentious and is enough for a stand alone bill all by itself, wrapped up together makes it, you know, a significant thing – significant burden to move forward on. But when we actually see this thing, you know, come forward, I think any version of all of these things are going to be included in comprehensive immigration reform.

Number one is a title on enforcement, and what I mean by that, it's not just border enforcement, border security, significant importance to the border, but also

interior enforcement, and it could be some innovative ideas that are put forward to try to deal with people that are here on documented status, because I think the desire here is that this is going to be the reform that really does fix this, that people will be required to come forward if they're on documented status, and if they're not, then we could be talking about some significant consequences going forward for people that are here unlawfully in the future. So that's going to be a significant and major piece of this – of comprehensive immigration reform. The second title, another title is likely to be some sort of employment verification system that is enhanced and that is much more robust than what we have now. Senator Schumer and Senator Graham have proposed a system comprised of a hardened social security card that every worker in the country would have to present to an employer, that would include biometrics on the card, and that everybody would need this card in order to get a job going forward.

Yes, it's going to be costly, yes, it's going to be controversial, but it is something that the senate offices that have been working on this are committed to seeing in a comprehensive immigration reform bill because, and they're absolutely right on this, full control of illegal immigration is going to require control at the work place.

Employment is really the key here. You can enhance the border, you can do as much as you can, and will be done on the border and in other types of enforcement, but really doing something about the magnet of jobs is really the key to enforcing and deterring illegal immigration.

Number three is what the President has called the path to citizenship, or similar terminology for the ten to eleven to twelve million people that are here illegally, that are in undocumented status. It is unrealistic to expect massive deportations; nobody thinks that that is doable even if we wanted to do that. At the same time, while we can't have a blanket amnesty, there has to be, as the President said, some sort of

acknowledgement or responsibility for these folks to come forward, but they do need to be brought forward, brought out of the shadows as has been said, not only because it's good policy for a number of reasons, but it's also, I believe, for our national security.

We need to know who these people are, we need to know where they are, who they are, and it is just a very unhealthy situation for a number of reasons to have people living here in undocumented status without knowing who they are or where they are.

And finally, and this is the subject of Darrell's book, to a large extent, is what is called future flows or adjusting the legal immigration system so that it serves the national interest and makes sense going forward. There are a number of proposals out there enhancing H1B Visas, for example, for high skilled workers, the agricultural worker situation, providing some sort of mechanism for employers to bring in agricultural workers a little easier than they can now; creating a commission is an idea that's out there. In fact, I think that was in the senator's proposal that was released in April, a commission to study and make recommendations on future flows or market changes in the economy that may make it easier or desirable to bring in certain kinds of workers, or, by contrast, to not bring in certain kinds of workers going forward.

That is a very, very difficult challenge, but it is something that makes a lot of sense, because one of the things – one of the aspects of the system being broken is that it doesn't serve necessarily our economic interest as well as it should. And so this is something that is likely to be included in any kind of reform.

And then finally, I'm sure there's going to all sorts of other things thrown in there, when this thing actually does start moving forward, you can expect numerous amendments on a number of other issues relating to immigration that will be tacked onto additional titles of the bill, but those really are the four big ones that will be included when

this actually gets some traction on the Hill. That is – I will stop there and happy to answer any questions. Again, the administration is committed to seeing this happen, it is a national priority, it's something that the President is committed to make happen, but it is something that is truly going to require bipartisan support, and we're hopeful that as the year goes on and maybe the elections loom, and post elections, that there will be some republican members of Congress, especially in the senate, that will come forward and join in the bipartisan effort to try to get this done in the national interest. Thank you very much, and I'm happy to take any questions.

MR. WEST: Okay. I would like to thank both Celinda and Juan for their contributions to this discussion. I think they've raised a number of helpful points. What I'd like to do is to ask a couple questions of each of them and then we will open the floor to questions and comments from you.

So I'd like to start with Celinda. You presented some very interesting public opinion data, both about American's views about comprehensive immigration reform and the Arizona law. But how do you see each of those issues, immigration reform and the Arizona law, playing in the mid term elections, and what do you see as the risk and the opportunities for each party in particular as it relates to the Latino vote?

MS. LAKE: In two minutes or less, that's a good and long question. A couple things, first of all, I think that in terms of the Arizona law, I think you have to separate out Arizona, states that have Latino populations, particularly California, where this is already engaging in a debate, and the rest of the country. And I think you have to separate it out also as the immigration issue and as yet another problem in voter's minds that isn't getting solved.

So one of the things I think that will be missed in terms of the opportunity here is, and as you were just eloquent in your remarks about and the President has been

quite eloquent about, people really appreciate this President's language that we cannot keep kicking these cans down the road, we have to be able to walk and chew gum at the same time, as he has said quite eloquently, and people want these problems solved.

And there is a sense, unfairly I think in some ways, that Congress and the administration haven't gotten enough things done. So I think leaving any problem on the table, particularly such a big problem as this is, is going to cause frustration with the voters, so that's question number one that adds just an issue, yet another area that people will be able to point to of nothing getting done, that's going to be a source of frustration to voters, and that will be across party to cross the country.

In terms of Arizona, obviously in those, there are a number of key congressional race, there's a key senate race for John McCain with a very aggressive primary. He has moved more conservative on the immigration issue in the fact of that primary. And it'll be very interesting, because this is a man that once got 60 percent of the Latino vote.

And a number of those congressional districts are dependent on the Latino vote, but there's also Anglo voters who are pretty – feel that they are – legitimately that they are ground zero on immigration. And I think no one bracketed this conversation better than previous Governor Janet Napolitano, but it is a very difficult conversation to bracket. So this issue will play out very vocally.

Most of the people – most of the elected officials in Arizona obviously have taken a stand against the federal government suing them, and so I think this will be a very hot issue in that state, and also positions on the boycott. California and other places, this is already emerging, including in the gubernatorial debate. And you have there the scepter of an immigration fight, as you had with President – with the governor

before Pete Wilson, where he alienated four generations of Latino voters who were a very, very important constituency.

This is someone who had been the Mayor of San Diego, people forget, and who got quite a bit of the Latino vote before he alienated people.

MR. WEST: I know this is an emotional – for you, but –

MS. LAKE: And the allergy season. So I think this issue is going to play out in a lot of different ways. I think it's going to play out in terms of peoples' frustration that the problem is not solved; it's going to play out in terms of the Latino community and whether we're going to be able to get Latino voters out.

I think many Latino voters may say if there is an action on this issue, I'm going to sit home, because I don't see this government doing anything that I need for me and my family in not dealing with this very important issue. And I think, in general, you're going to see divisions around in states, particularly with the Latino populations, that could redefine politics for decades to come.

MR. WEST: Okay. Juan, the decision to sue Arizona was a very interesting move on the part of the Justice Department. But what I found especially interesting was the legal rationale that was used, because when this law was first passed, President Obama, as well as other people, talked about the possible racial profiling based on the Arizona law, but yet the legal argument presented in the Justice Department lawsuit was based on federal preemption and not the possible discriminatory impact. So the question I have for you is, why preemption as opposed to civil rights and discrimination?

MR. OSUNA: Yeah, and that's a good question. I think the reason is because – well, let me just say, the Attorney General at present certainly remain concerned about the potential impact of a law on particular minorities. The racial profiling

potential of this law, and they've said so publicly, that that remains a concern. In fact, you know, the Civil Rights Division of the Department of Justice is going to be monitoring the law for its civil rights implications.

The reason that the Department felt it needed to be on a preemption basis is because the law actually doesn't take effect until July 29th, and the full impact in terms of the civil rights implications of this will not be seen until the law actually begins to take effect going forward, or at least the full impact of the civil rights implications will not be seen until that time.

But just on the language of the law itself, the statute itself led us to conclude that the statute on its face conflicts with federal immigration law, and therefore, is preempted by it under the supremacy clause, and that's the reason for the focus of the lawsuit.

MR. WEST: Okay. Celinda, we were talking before this event that started about the family unification principal. And many of you know that this is the dominant principal in American immigration policy, that the United States awards about one million thesis each year; 64 percent of them in recent years have been based on family reunification, as opposed to only 15 percent are based on employment related reasons.

In Canada, those numbers are reversed. Canada is much more strategic in linking immigration to economics. Fifty-eight percent of their Visas go for employment related reasons. So I'm just curious if you have done polling on that issue of family unification. What are the nuances in how people view that? Should we define the family broadly or narrowly? What do people think about that?

MS. LAKE: It's a really good question; we have done work on family unification. It's a principal that Americans tend to be pretty committed to. And, in fact,

one of the things that's most disturbing to them is the length of wait for family unification Visas. They're shocked at the length of time. They tend not to really want to second guess with the family, but they tend to be thinking in terms of parents, siblings, and kids, and spouses.

One of the things that was really interesting, we tested the argument against family unification, this will provide a flood of immigrants into the country, and people in the focus group said, well, you know, most people don't like their relatives that much, I don't think they're going to be looking to bring all of them over, so people really weren't very nervous about this providing a flood of immigration.

So I think that's a tough principal to overturn, I think it's a principal that people feel fairly committed to in terms of family unification, whether there are some changes around the law or whether coupling reform that is making those Visas come much faster with narrow definitions or something, that might be more popular. But in general, the number one reform that people wanted was actually – they thought the delay was outrageous, and the delay by different groups, depending on your ethnic background, did not make any sense to them.

MR. WEST: And then the flip side of that question is, how do people feel about the economic aspects, the employment related of Visas? Do people support increasing the number of H1 Visas, seasonal agricultural workers, and high school workers?

MS. LAKE: Yeah, well, we haven't done work on all of that. There is some tension around, as I mentioned, around temporary workers in general, as a broad category, and that is actually an area where the rest of the pressure has been off on immigration, we've actually seen deterioration in the desire for temporary workers

because people feel, well, if anyone is going to get temporarily hired here, let it be me, becoming temporarily unhired right now.

We have looked at agricultural workers. People tend to have more mixed views on it and tend to see that as a separate category. And there's some interesting tensions around the HOV Visas, because you have communities that are generally somewhat sympathetic on immigration and certainly on the racial profiling, like the African American community, who also feel, if we're going to have programs like that, then we should simultaneously have programs that are investing in our community.

There's no reason that we don't have the next, you know, Google founder in an African American community in Detroit, but right now that person is getting a much worse education than their counterpart in China or India. So there's a real desire to make sure that we're investing in people here, as well. So it's complex views on the economic front.

MR. WEST: Okay, Juan, in my opening remarks I discussed some of the problems of America's immigration courts, and my colleague, Russ Wheeler, actually has done some very interesting research on this topic. And you gave testimony a few weeks ago before the House Judiciary Subcommittee on immigration courts. You discussed the critical shortage of judges that has led to an overburdened court docket and large case loads for immigration justice -- judges, excuse me.

What is the Justice Department doing to fix the court part of the immigration system? Right now we have 48 vacancies which is 17 percent of all the immigration judges.

MR. OSUNA: Yeah. You know, one of the interesting things about our immigration system is that there's so many different pieces to it, and the Justice Department does have a significant piece of this in terms of the immigration court system.

There are, just for your information, about 235 immigration judges in 58 immigration courts around the country, and they are very, very high volume courts. I think the current number is that they hear about 400,000 matters in a single year, so it is a very high volume.

The Department has made the -- and inadequately -- I would say adequately functioning immigration courts begin with adequate resources. The Department of Justice has been committed to enhancing the resources of the immigration courts. If all goes to plan and according to the plan, and I think it will, we will be hiring forty -- it's actually 47 immigration judges in 2010 alone, and many of those are already in process. Many of those are already -- some of those have already come on board and the rest are in the final stages of selection.

If Congress approves the Department's request for 2011, there will be an additional 21 immigration judges that will be hired next year. And when I say an immigration judge, actually I mean an immigration judge team, so it's actually 47 immigration judge teams, meaning that there's a law clerk along with that, support staff and some other resources because that's also been pointed out by Russell Wheeler and others as a significant problem in terms of just it's not just judges but also the law clerk resources that they have.

That is the single biggest part, just to give you an idea as to whatever priority that, the Department is identified as one of its high priority performance schools, they're called, for 2010 and 2011, which is a small number of goals, five or six of them. They hire immigration judges in order to stay up with the case load; especially detain cases has been identified as one of the six high priority goals for the Department.

Beyond that, there is also more of a recognition now than there ever has been at the Department, and actually at DHS as well, that this is a shared burden; that an

immigration judge does not hear a case unless it begins with an enforcement action by the Department of Homeland Security. So we are trying to engage quite a bit more with DHS in terms of making sure that the resources are coordinated so that if there's enforcement actions in a certain type of case, detain cases or certain courts, that the resources are going to be there on the judge side to handle the case load going forward, because, you know, one thing that you want to avoid as much as possible is cases being brought forward and then not being handled, not moving forward and languishing there. That's a very bad situation to have happen.

So that type of coordination with DHS is something that we're engaged in, in addition to the additional resources and other initiatives.

MR. WEST: I have one more question for each of them, then we will open the floor to questions from you.

And, Celinda, I hate to cite the example of a competing poster, but a few weeks ago the Gallup organization did a national survey on people's perceptions about threats to the long-term-well-being in the United States. And they gave respondents a long list of 10 or 12 different items: the debt, unemployment, illegal immigration, and large corporations. And the results I thought were very interesting. Eight-four percent of Americans thought that the national debt represented a great threat to future well-being in the United States; 83 percent cited unemployment; 64 percent cited illegal immigration; and 54 percent cited large corporations.

So when I saw these results, it seemed like basically we're afraid of everything. Is this an age of anxiety? And I'm just wondering, when you advise politicians, obviously one of the problems in the immigration area is just the high emotion attached to this, the anxiety, the fear, concerns about the loss of job. How do you advise politicians to deal with the emotional side of this issue, not just the cognitive side?

MS. LAKE: A really good question I think, and one that I think we and the politicians are still trying to work out.

First of all, in terms of the mood of the country right now, it is time when people think things are not going in the right direction; they think there are very, very many long-term problems that we're a long way out from. There is very big concerns about whether America's superiority is being jeopardized. There's great frustration.

People think that there's intractable problems, wars we can't get out of, an economy that we can't seem to get to rebound, an oil well we can't get capped, and then when we cap it, our robot knocks the cap off, and people just really frustrated, how can this be happening in America? And that's part of the context and anxiety, very real anxiety that we're facing. And people are being more thoughtful now, so think of it as more long-term.

In terms of dealing with emotional issues, first of all -- and again I cite now Secretary Napolitano, Governor Napolitano before that, as an example. What we say on emotional, and social issues, and wedge issues like this is that you can run but you can't hide, and that contrary to, you know, your instincts might be to try to avoid this issue -- and it's an understandable instinct -- but in point of fact, you have to lean into the issue, and that you have to engage your voters in a dialogue, and you have to say clearly what you're for and not try to obfuscate it.

And then we try to shorten the data, both the language in terms of how to talk about it. For example, people, you know, obviously, I think many of us feel more comfortable with the language of an undocumented worker than an illegal immigrant. Actually, voters dislike undocumented workers even more than they dislike illegal immigrants. And when we went to explore that, we found people said, well, undocumented, shoot. You can get a phony Social Security card in the park. If you're

undocumented, you must be terrorist or why would you get an illegal -- you know, phony paper just like everybody else does? -- including my teenage son who want to drink.

So people thought -- so who knew that that's, you know, how people were thinking. So we try to share language about it and then say that -- show, you know, the really enormous support for comprehensive reform.

One of the things, the last thing I would say about it, is usually conventional wisdom -- I said that conventional wisdom is 95 percent wrong -- conventional wisdom is at least 99 percent wrong when it comes to wedge and social issues, and it's very, very easy, I think, for politicians to get intimidated and the intensity to intimidate them, and they need to understand where the broad base of their public is.

MR. WEST: Juan, the other thing I discovered in the course of writing my book was that the U.S. deports about 350,000 people annually. Since 1999 we've deported over 2.2 million people. And it's interesting. You know, there's a lot of focus on the illegal immigrants crossing our southern border but little attention to the 350,000 people who get removed from the United States each year. So can you talk about deportation policy, how it operates, and are there any differences between the Obama and Bush administrations in how they think about this issue?

MR. OSUNA: Yeah, this, the removal policy, deportation policy is primarily a DHS matter, so I'm probably going to leave some details up, but let me, let me give it a shot.

The removal is already in an all-time high, said removals -- that's the technical word -- deportations are in an all-time high. And I think the number is about right, 250,000 or something removals.

The priority is really much further, there's much of a -- well, there has been an emphasis, there are different enforcement priorities. Under the DHS, for

example, has it priorities in terms of going after people with criminal convictions, people who are violent who may be dangerous. That is the number one priority that DHS has in terms of its enforcement efforts, not just in terms of actually finding people and putting them in deportation proceedings but also in terms of removing them, in terms of actually getting them out of the country.

That's -- and they have -- there are different tiers, and I'm not going -- I can't remember exactly, you know, what the terminology is so I won't get into it, but I know that they have different tiers of priorities. Number one, of course, are, you know, national security risks, dangerous people, violent criminals. Those are the ones they go after first, and I should note that criminal aliens have been at an increasing percentage of the population of the people that are actually deported from the country.

So it is not just the people that come across the border. Actually a growing percentage of the deportation numbers are those high priority folks, the ones that we really, that I don't think anybody would disagree are really the ones that we should be going after first because they represent not just, you know, the law-breakers, but also significant threats to our communities.

So that's -- I would say that that's the emphasis now as opposed to in the past, but the numbers are definitely, you know, have been going up for the last decade or so, as you mentioned.

MR. WEST: Okay. We're going to turn to the audience participation part of this. What we're going to do is take two to three questions at a time from the audience, and then turn to the panel and give them a chance to respond. What we'd like to ask you to do -- there are people with microphones walking around -- is to ask you to give your name and your organizational affiliation, and please keep your questions brief so we can get to as many people as possible.

We have a question in the front row here.

MS. BUNICE: Hi, I'm Dina Bunice from The Orange County Register, and I have a question for each panelist, if I can -- hi, Celinda.

You said in your poll that you oversampled for Latinos. How do you think that might have -- okay, do you think that that might have had an impact in the results, particularly in terms of the support for comprehensive immigration reform? And how should candidates view that when they're looking at your results?

MR. WEST: Actually, we're going to take two or three questions, so if we can hold that question for a minute. One more question here.

MS. BUNICE: Oh, can I ask one for Juan as well?

MR. WEST: Well, we're going to -- let's have each person ask one question because we have a bunch of people back there that want to ask questions. Right there in the aisle.

SPEAKER: Hi, this is particularly for Mr. Osuna, but feel free to comment as well, Ms. Lake. Just piggybacking on Dr. West's first question to Mr. Osuna about the justification for the lawsuit brought against the State of Arizona, I was wondering, one thing that a lot of people find disquieting is what's perceived as a double-standard where the Federal Government sues the State of Arizona for this recent law, supposedly in contravention to federal immigration statutes, but lets 18 in-sanctuary cities the country have laws that are in direct contravention to federal statute with regard to immigration law. Why does the federal government choose to pursue only the Arizona challenge and not the one to sanctuary cities?

MR. WEST: Okay, we'll have one more question, actually right here in the front.

MS. ARCHOWSKI: Peggy Orchowski. I'm the Congressional report for the Hispanic Outlook magazine. I also wanted to ask each of you a question, so I don't think limiting it to one person is best.

MR. WEST: Let's limit it to one question because lots of people have questions here, sorry.

MS. ARCHOWSKI: But I want to ask Celinda about the proportion of the Latino vote. You know, you have to ask, why did Arizona be able to pass these laws if there are so many Hispanics there. And I understand that the Hispanic vote is actually only about 7.4 percent of the national vote. The black vote is almost 12 percent, in other words almost double.

So I would say, propose that the black vote is as important, if not more so, than the Latino vote. And so I'm asking you, did you ever -- have you ever parsed out some of your answers to your polls according to the black vote as well as whites versus Latinos?

MR. WEST: Okay, so we have questions on over Latinos, parsing out African Americans versus other parts, and then, Juan, for you: Why aren't you suing sanctuary cities? Each of you.

MS. LAKE: Well, really, I'm glad you asked the oversample question, and I realize that I didn't explain it well enough and thank you so much.

The oversample, which was 300 people, which was the higher proportion of the electorate than there would be, we then weighed it down, so all of those total numbers that you saw, the oversample was weighted down and so it was not a higher proportion. And I'm really sorry I didn't clarify that. Thank you so much for your question.

In terms of the Latino vote, first of all the Latino vote has been increasing, but, yes, we have done a lot of work, and we've worked with the Leadership

Conference on several rides, looking at African American voters and their attitudes around immigration, and we had African American vote. In this sample, I just didn't break it out because it looks like the population overall. So we have repeatedly and always sampled African Americans and looked at them.

I think one of the reasons, you know, that we talk about Latino voting in Arizona is because in Arizona the Latino vote is significantly greater than the African American vote. But, say, in Michigan the reverse would be true. So it depends very much on what state you're looking at. But, equally important, it just seemed, you know, the numbers were not that distinct on this data, and so I didn't break it out any more than I broke out age or anything else.

MR. WEST: Juan, sanctuary cities.

MR. OSUNA: Yeah, I think it's a good point, and I haven't looked carefully at some of the sanctuary cities. I know that there's a lot of differences in some of the local ordinances and all that. So, but I would just say very generally that I can see a difference between a locality saying that they're not going to use is police resources and other resources to help enforce the federal immigration policy, and in an entire state setting forth its own immigration policy by mandating that its law enforcement officers carry out their duties in a way that actually impinges on federal policies and federal priorities in an area like immigration.

So I do think that there is a distinction there between, again, a local ordinance saying we're just not going to commit our resources to doing this and an entire state setting forth it's own enforcement regime on immigration policy, which again is a federal priority.

I should also note that many if not most of the sanctuary ordinances that I'm familiar with also do have some exceptions in there set forth for people, for example,

that I mentioned earlier for violent criminals, violent, dangerous aliens. Those exceptions and they say that in those instances there will be cooperation with the federal government. Those exceptions actually happen to coincide with what I mentioned earlier, DHS's enforcement priorities.

So again there is, without looking at particular ordinances, I think there is somewhat of a difference between the two situations and that are pretty significant.

MR. WEST: Okay, there's a question right over there.

MS. WEIKEL: Kim Weikel, Institute for Peacebuilding. This question is for Mr. Osuna [sic]. Curious, the next steps with the Arizona lawsuit. Might it be fought out in the courts? Might the governor, if she realizes what she's up against with the lawsuit, simply rescind the law? What might the next steps be?

MR. WEST: There's a question behind her. Yeah, in the very back.

MS. MURPHY: Tiffany Murphy with The Institute for the Study of Diplomacy. Mr. Osuna again and with the law. The brief was -- the briefs were excellent. If you had anything to do with them, kudos. But the brief talks a lot about the criminalization causing a problem, preemption causing a problem. And it also mentioned foreign policy, but it doesn't really describe that a lot. It say foreign policy --

MR. OSUNA: Mm-hmm.

MS. MURPHY: -- foreign policy, foreign policy, but it doesn't expand on that. I was wondering if you could.

MR. WEST: Yes, since both of those are for Juan, we'll give you a chance to respond.

MR. OSUNA: Okay. In terms of the next steps, I wish I knew what the reaction will be. The next step, the law takes effect on July 29th, as you know. There will be a hearing sometime before then, likely, or argument before the Federal District Court

in Arizona, the federal judge that will be hearing this challenge. And the Department has asked for an injunction, meaning that seeking to stop the law before it takes effect on July 29th. So really, the action has really shifted to the federal judge here, Judge Bolton in Arizona, and that's going to be the next step.

As to what happens after that, really, it's all going to be riding on what happens on what the judge decides on the injunction. Apart from, again, some of the -- some of the other -- some of the other considerations with a lot of civil rights implications and all that which will continued to be monitored.

On the foreign policy one, yeah, the Complaint does make the foreign policy argument, because, as you've seen I think from the reaction to the law since it was taken effect, there are some foreign policy implications here. But that's not really the main focus of the argument. The main focus of the argument really is on the preemption issue because we really do believe that this is a state statute that crosses the line in terms of what -- impinging on a federal priority. But the foreign policy part, you know, it's certainly an important part of the argument, but it's not the main part of this. But, of course, that is also a federal priority.

MR. WEST: Okay, there's a question here on the aisle. Right here.

MR. MUFFEH: Yeah, my name is Nuverta Muffeh, Trinity University, International Security Study Program. My question is to Mr. Osuna.

As you know, there is a lot of argument on the national security circle about protecting the borders. Do you think, when immigration is really argued, do you think the argument really -- and if they would win the people that you have to secure the borders and whatever is needed to be done rather than just, you know, letting people in or (inaudible) immigration reform?

MR. WEST: Okay, and there is a question behind him? Actually, over here is a question.

MS. CASTRO: My name is Leanna Castro, and I'm from Colorado. And I have two questions.

MR. WEST: So you've come a long way for this forum.

MS. CASTRO: I know, yeah.

MR. WEST: Thank you.

MS. CASTRO: And the first question for Mr. Osuna, you mentioned in the criteria that the government is considering for the new immigration reform, and it looks as if it is an extension of the 1996 comprehension administration reform in many ways. You mentioned border control, job IDs and, you know, one of the features of that immigration reform in 1996 was that in a way it opened the door to what we're seeing today in Arizona. It allowed the state governments to -- it was an option to the states to enter into immigration processes.

So now the government responds to Arizona with this supremacy clause, and do you think -- one of the criterion that you use had to do with allowing for more internal control. Isn't that a way of extending this power on states going from policy powers to immigration power, and how are we going to be able to control that? So that was one question -- sorry it's long.

For --

MR. WEST: Actually, let's just stick to one question right now. Let me answer your border question, and then, Juan, you can ask -- you can answer the internal control aspect of that.

Your question on border security and why that has emerged as so important as a part of this debate, the simple answer from my standpoint is this is what

people are worried about. You know, when you look at the history of American immigration policy, the fear, anxiety, and emotional component is just so strong. I mean you compare this to other policy areas like education, and healthcare, and energy, I mean sometimes there are emotional aspects of those policies, but immigration reform is really unique in having such a high component.

And so people -- and so border security has become important just because that really taps that dimension of fear about foreigners crossing the border, terrorism, drugs, crime, people who don't look like Americans, the whole thing kind of wraps around that particular symbol.

So I don't see that issue going away. When you look at what the president has talked about, and I think Celinda's polling certainly supports this, that you have to refrain the issue. Democrats have to be tough on that issue, otherwise they're going to get massacred by Republicans, and none of the other parts of the reform then will have any chance.

Juan, do you want to discuss the --

MS. LAKE: Let me -- if I could just add one quick thought on the --

MR. WEST: Sure, go ahead.

MS. LAKE: -- on the border. It is -- and there are two things at work here -- and what Dr. West has just described is absolutely right in terms of having to be tough, and this is a great counterpoint to amnesty if you way tighten up the border.

By the way, I would say also DHS's and the Justice Department's priority of cracking down on employers is very, very, very popularly perceived by the public and equally perceived to be a toughness. Because the public believes if there aren't jobs there wouldn't be this pressure. And it also, they feel it's unfair to employers who are not hiring illegal workers.

Having said that, though, the public is also very clear that they don't want to just stop at border security. We've asked in a ton of different ways, and you can go to The American Voice's website to see a lot of this polling in the national immigration forum, and another pollster is Garen Hart have done some work on this as well, and it's on the CAF website looking at, would you stop at border security, and people say, no, that's not enough, that doesn't deal with the problem.

So, it's an important component, but it is not true that it is the only component and that people would stop there, or that even it is the first thing that people would do. People would do this together in combination with these other measures.

MR. OSUNA: Let me just take a few points on border security and then the question about states, because I think that's an important one. I absolutely agree with the statement that Darrell and someone made about the importance of border security. Not only is it -- not only is it a good policy, it is absolutely necessary for the other reforms that are necessary to get done. There is no way that this is going to get any traction at all if Congress and the public gets the message that we are not serious about controlling the border. So that is an absolute prerequisite to this actually happening.

But it doesn't really stop there, and I would just make a little bit of a different spin on this. You know, people assume -- a lot of people assume that the people that are here illegally all came across the border. Thirty to forty percent of the population that is here without lawful status right now is estimated to have actually come legally with a visa and then overstayed their visa. So all the border security in the world that we put in place is not going to reach that significant population. And again, the estimates are as high as 40 percent.

Part of the discussion with the enforcement provisions that are happening with comprehensive immigration reform is what can we put in place? What is actually doable to try to reach that population, to try to put mechanisms in place that are not border security, necessarily, because again that wouldn't do any good for somebody that comes over with a legal, with a visa, but that actually is an enforcement mechanism that makes it easier to track and actually require those people when their visa is up to actually leave the country.

So that's a significant challenge, but it is absolutely necessary to actually making this be comprehensive reform that we all want.

The second thing on the role of states, you know, the point of the Arizona law or the Arizona challenge, the Justice Department's challenge to Arizona is not that states don't have any role in immigration, civil immigration enforcement. And, you're right, the 1996 Act, you know -- in fact I think it even went back to the 1990 Act maybe -- I can't remember that -- but actually it did open the door for state involvement in civil immigration and civil immigration enforcement. And the federal government welcomes state involvement in federal immigration enforcement as long as it is consistent with federal priorities and actually driven by the federal government.

But the difference with this Arizona law is that it puts Arizona in the driver's seat rather than the federal government in the driver's seat, and that's the distinction. It is not that there shouldn't be any state involvement in helping enforce civil immigration laws because it is a force multiplier. When you talk about the population at issue, it is a force multiplier that can actually be helpful in enforcement. But this law, we believe, just crosses the line because instead of the federal government being the quarterback doing this, it's actually, you know, the State of Arizona that is driving the priorities here. That's the distinction.

MR. WEST: Okay, in the very corner in the back is a question.

MS. WINNERACK: Thank you for coming today, it's good to see you. My name is Cheryl Winnerack, and I'm an immigration lawyer. I've been practicing since 1998.

MR. WEST: So you're on the front lines here.

MS. WINNERACK: So I'm on the front lines. And one thing that I see missing from this outline of the comprehensive immigration reform is enforcement against employers, and that's a big concern that I have because if the jobs exist here, then people, I believe based on my experience, will find a way to get here and do those jobs. And so I'm wondering if there is going to be a focus on enforcement against employers, especially in consideration of the new employment verification system that you're talking about enacting as well.

MR. WEST: Okay. There was another question right next to you, right there.

MR. BIGGS: Jeff Biggs with the American Political Science Association. Some of the Congressional critics of comprehensive reform say, fine, let's secure the border first -- basically meaning the U.S.-Mexican border -- then we'll get to the other issues. What does it mean to secure the border, and how will they recognize when that time had arrived?

MR. WEST: Okay, good question. Do you guys want to tackle these items? Celinda.

MS. LAKE: Well -- and we may not have emphasized it as much because we were doing through so quickly -- in the comprehensive reform, we tested very explicitly cracking down on employers, and it's a very, very popular concept, and as popular as the border security. So real people have that story line in their head, they

totally have that. And they like it for two reasons: They like it because they believe it will, if the jobs aren't there, if the lure isn't there, people will not be coming. And they also feel that these employers are not just recruiting immigrant workers because they work hard or have skills that they need but they're recruiting them, particularly illegal or undocumented, because they can pay lower wages, they can bust unions, and a whole bunch of other goals that people think, not observe wage standards, et cetera, wage and hour standards.

So the public has a very strong (inaudible), are very committed. They also believe that it puts lawful employers at a disadvantage, and that's not right. So that's a very strong component of comprehensive reform. It was in there very, very strongly as a message I may have just read over too quickly.

And in terms of the Congress, I think you've have to ask them. The public in their mind doesn't want to separate it out, and they don't buy that you should do the border first. And then I think as Juan was saying, politically that's absolutely an nonstarter to separate it out like that.

MR. OSUNA: On the employment issue, yes. I mean I think that comprehensive immigration reform in terms of what's being discussed and what may eventually get some traction is likely to include some additional mechanisms to crack down on employers that actually, after putting in place a very robust hopefully, you know, employment verification system that is transparent, that is accessible, and that is effective, if you still have employers that, you know, that still go forward and hire somebody who is not lawfully here or not eligible to work, then, absolutely, there should be some additional ways of actually -- mechanisms for actually going after those employers. And I think there is likely to be in any kind of legislation.

But the real key, the starting point on the employment side, is really the system that Senator Schumer and Graham have proposed, and whether it's that exact system or some variation of it or something less of it, or something that eventually gets enacted, that's going to be the starting point. The enforcement mechanisms will then flow from that, but that's really going to be the key to actually controlling this, because I agree with you and, as I said earlier in my remarks, that all the border and other enforcement they put in place is only going to be partially effective if you don't actually control at the workplace the employment of people that shouldn't be employed.

The border security question is an excellent question because -- and there is no answer to that, really. I think people will have different answers. Some believe that, you know, that the line for when the border is secure is right here; others will believe here, you know, and there's no -- there's no way of managing that in one -- there's no consistent way of actually assessing that.

You know, I think that the border patrol uses the term "operational control of the border." And they feel that they have operational control of certain parts of the border right now, which means that basically they can -- they're very, you know, confident that in that particular section of the border they know who's trying to come forward across the border, and they can get access to it very quickly.

I think that the short answer to your question is, as long -- if we can get operational control of the entire border, that's when you can probably -- maybe some people can say that the border is secure. But that's -- that's also kind of a, you know, a shifting standard. And I think that if you line up 10 members of Congress and ask them what does it mean to secure the border, you'll get 10 different answers.

MR. WEST: Actually, I thought if you lined up 10 members of Congress you'd get 20 different answers.

MS. LAKE: Probably right.

MR. WEST: I just want to add one footnote to your employment verification question. There's no question but we are moving towards greater enhancement of employment verification, but I think it's also important to have an appeals process attached to that, because any of the processes that we use today, there are going to be a certain number of mistakes that are made. And I think the -- and one of the reasons why I think some people are opposed to employment verification is the recognition that there are going to be mistakes made.

And so there has to be an appeals process by which someone who gets sped out as not meeting that verification test should have the means to appeal that decision, bring additional evidence to bear so that we can end up with the most accurate and reliable system that is possible.

MR. WEST: Right here on the aisle.

MR. YONAIM: Hello. My name is Yonaim from Mitsana Company, a Japanese investment company. I have a question to Mr. Osuna about the enforcement.

This year President Obama signed Tourism Promotion Act and to promote more incoming visitors, tourists to the states because that's generating jobs and income in this country. Also, the president wants to double the export, then you definitely need to invite customers from foreign countries. And speaking of the enforcement, you want to be friendly at the immigration site, but how do you coordinate between DHS, DOJ, and the Commerce Department to promote incoming people and business?

MR. WEST: We definitely want tourists.

Right behind him is another question.

MR. BREITENBUCHER: My question is for Celinda. My name is Joseph Breitenbucher. I'm a private citizen from Chicago.

Regarding the issue of anchor babies -- and correct me if my amendment number is wrong -- but under the 14th Amendment, if you're born here, you're an American citizen. That is probably unique in the world. Most countries don't have that law. Is there any polling on that issue? I mean because there are tremendous costs associated with that as far as children being born here, educated, et cetera? Any polling information on that?

MR. WEST: And if you can pass the microphone right over to this gentleman right there. And then we'll give our panel a chance to respond.

MR. ODAM: Thank you. My name is Anthony Odam, a consultant on economic development. I wanted to pick up on a phrase which Celinda Lake used several times in her presentation. That's the phrase about who are now here illegally going to the back of the line for immigration. I want to explore that a bit. I think one of the worries people have when they're faced with immigration reform is precisely the fear that people now here illegally will go to the front of the line compared to someone who stayed home in Guatemala.

So what do we actually mean in practical terms by saying people go to the back of the line and related to that to Mr. Osuna, how is that dealt with in the blueprint or any other proposals now out there?

MR. WEST: Okay, so we have questions on tourism, anchor babies, and going to the back of the line.

MR. OSUNA: Well, let me -- let me ask --

MR. WEST: It's starting to sound like Jeopardy.

MR. OSUNA: Let me start with the back of the line concept. It actually is not dealt with in the blueprint other than saying that, you know, people need to go to the back of the line. And it is difficult. It's a difficult mechanism to put in place, but the

concept is fairly simple which is that, you know, somebody who is here illegally should really not go and, as you said, ahead of somebody who went through the legal process and is waiting for their visa, you know, in their home country.

How you do that is the difficult part. You know, there have been proposals in the past, for example, what's called the touchback proposal which is, that means that they are required to go back to their home country before they get to come back legally. You know, that's still out there. There are some other proposals for actually requiring some sort of temporary status before they can actually get a visa, you know, and then, you know, moving forward on the visas for people that are waiting legally. And so that still has to be -- it's one of those issues that's going to have to be worked out as this thing starts moving forward.

But the concept itself, which is that there shouldn't be an unfair advantage for somebody who's been living here, you know, unlawfully for all of these years over those people that are actually waiting for legal visas I think is one that is likely to be enshrined in some way in, in this bill if it ever starts moving forward and is something that the president touched on, you know, in his speech last week when he said that, you know, he rejected calls, for example, just for a blanket, you know, no deportation for anybody that's here unlawfully because that just -- again that's not fair, and it also sends a message that there are no repercussions to illegal behavior, and there should be.

But again, drawing that -- drawing that as to what exactly that concept means is going to be one of very significant, very significant bones of contention as this thing starts moving forward.

On the tourism issue, I think that, you know, as Russell said, you know, our legal immigration system -- our immigration system is designed not just for

enforcement; it's also designed to welcome people that we actually want here because for economic reasons and other reasons, and tourists, promotion of tourism, is really one of the anchors of that. I wasn't real clear. Were you inquiring about enforcement against tourists? Or --

MR. ODAM: Coordination.

MR. OSUNA: Coordination? Well, yeah, the Department of Homeland Security really has the bulk of the, you know, of the enforcement mechanism on that, and they're actually the ones that are responsible for tracking somebody down if, for example, if they overstay their visa, as I mentioned earlier.

DOJ comes in if there's somebody that gets put in deportation proceedings. Then our court system will handle it. But in terms of -- and in terms of promoting tourism, I think that DHS actually does do also some coordination with the Department of Commerce just to make sure that, you know, that consistent messages are being sent out.

So there is -- I mean we do, we do have some discussions.

MS. LAKE: Uh, in terms of the babies, there is some research that's been done on it. People have pretty mixed views. It also depends a little bit on how you word the question. So if you say to people, automatic citizenship if you, you know, if anybody born in this country, if you have a baby in this country, you'll find less support than if you say we'd have to amend the Constitution and take this right out of it. And then they will say, Ah, well, okay, well, if the Founding Fathers -- if George Washington wanted it, then I want it, too.

So people have ambivalence about it, honestly. It also tends to be one of the attitudes that does -- many of the attitudes that we were talking about have remarkably little geographic variation, contrary to conventional wisdom. This is an

attitude that does vary more by geography, and you do see both more knowledge about the issue and the problems on the border. So border states tend to be more against it then. And the further you are away from the border or, just the face of it, the further you are away from the Mexican border, the more support you have, or if you're born in this country you're automatically a citizen. So it varies a lot. I think it's a pretty underdeveloped attitude in the public.

In terms of -- one other thing I would say about getting to the back of the line, we have a couple of dilemmas here: One dilemma that we have is people are unaware of the backlog, and they tend to think that the back -- why is it taking so long? And there is also a sense, is this backlogged because of volume, or is this backlogged because of bureaucracy? If it's just inefficiency in the driver's seat, let's get going; if it's, you know, millions and millions and millions of people that want to come, then maybe we do need to spread it out.

So that's very confusing to people about why the length of time, why the backlog, how long is this line? But if you think about it -- and there are lots of anthropological studies that have been done -- this is a culture actually that really believes in a line. And there are all kinds of sociologically, anthropological studies that have been done about how people get in lines.

And we are notorious as a culture that, you know, people will get in one line and then feed into different openings, and they really think it's bad if you budge, and people will say, "Get to the back of the line. You know I was in line first." And people -- so this is a culture that really believes in the fairness of the line, whether you're in line for, you know, a Coke or a baseball ticket or immigration card. And so that's -- it's a value statement as much as anything else, and I think the Administration understands that value.

MR. WEST: I have a follow-up question about that in terms of technology, because I know, based on my wife's experience, I spent what I thought was an inordinate amount of time at a photocopy machine. It's like you're copying, copying, copying, saying this document; you always have to mail everything.

You know, this is the 21st century, like, are we thinking about some e-mail of documents?

MS. LAKE: That is why I don't have your job. You're responsible for everything.

MR. OSUNA: Are you sure you didn't have to spend all that time because it was who she was married to, Darrell?
MS. LAKE:
There you go.

MR. WEST: It's possible.

MR. OSUNA: Yeah, I mean sure, you know, the answer -- well, not the answer, but one, one answer to a lot of these issues is better technology and actually trying to enhance, you know, make adequate use of technology and the various processes that are on there.

I know that DHS -- again I keep going back to DHS, but they're the ones that actually handle, for example, all the, you know, the green cards and all that stuff. I know that they're looking at a number of technological enhancements that are possible.

You know, this is the federal government, which means it's going to take -- it's going to take a long time, but given where technology is now as opposed to where it was even 10 years ago, I think that we're certainly much better off, and I would expect that continued enhancements will be made.

MR. WEST: Okay. Here in the front row. Here we have a microphone coming over to you.

MR. MARCEL: Good afternoon. My name is Michael Marcel. I'm a reporter with the Hispanic Clean News Service.

My question is about immigration legislation is not necessarily comprehensive but still may be just as controversial. And I give the example of the DREAM Act. What do you think the chances are of something like that getting passed this year? And do you think the Fed -- the federal government will support it? Or do you think they'll save their fight for comprehensive immigration reform?

MR. WEST: Okay, we have a question over here. We have time just for maybe two or three more questions. Right here in the --

MR. LOTTIFAIR: Thank you. I'm Dylan Lottifair, research (inaudible) with the Center for Strategic International Studies.

If there is -- and there should be a comprehensive immigration reform in the U.S. -- do you think that this comprehensive reform should take into consideration an overhaul or an increase in foreign development assistance in order to treat the problems of this horse and not the symptoms? Thanks.

MR. WEST: Okay, and there's a question a couple rows behind, so if he could pass the microphone to that gentleman. You know, we're almost out of time, so we'll include this with the last set of responses (inaudible)

MR. MILLIGAN: Al Milligan, AM Media. What is know, statistically, about the success of those immigrant workers that congregated select known locations to be able to take whatever jobs are available at any rate that is offered to them? And what do you know about employers paying less than market rate for immigrant workers?

MR. WEST: Okay. It's a very broad range of questions. The DREAM Act, foreign development assistance, and these day workers.

MR. OSUNA: Let me take the question here on the kind of a piecemeal approach, which is, you know -- and it is, it is somewhat a subject of discussion that as, you know, if comprehensive immigration reform proves, continues to prove difficult to enact, you know, is there room for smaller pieces of legislation, like the DREAM Act, or the other one that's often mentioned as the Ag jobs, the agricultural jobs that were sponsored by Senator Feinstein and others? And I think the president mentioned both in his speech last week, you know, that the Administration supports them, supports the concept of the DREAM Act, supports the concept of allowing, or making it easier for growers to be able to use, bring in agricultural workers that they need.

And I do think that if the debate keeps going on the way it is, and there's little action this year or maybe even into next year on the comprehensive immigration reform, that we are going to have increasing pressure to look at smaller pieces, smaller measures of reform that weigh -- well, certainly, they don't have the impact of the large reform, but they're not insignificant. They do affect significant portions of the economy and significant -- a significant people that are here.

The Administration does not have a position on that approach yet, you know, but I would expect that it will be part of the continuing and probably expanding discussion on immigration reform in general as the year goes on, and we head into, into year 2011.

The development assistance, I mean I think it is possible to have some sort of, you know, it is possible there will be additional mechanisms in the immigration reform bill on development assistance. I wouldn't expect it to be a major part of it, but -- and I think the only for that is because this is something that's obviously going to take a long time. I mean to fully impact, you know, conditions in Mexico, for example, development assistance can play a role, but it's not going to, you know, be the most

significant thing that we can do to help promote that, but it certainly will play a role in that. There may be -- there may be some room for some sort of provision in the CIR bill.

MS. LAKE: I'm going to just add to that thought on the -- and then the statistics, I think, are more up your alley, too, so they're not really a polling statistic. But one thing about the development assistance that is one part of the debate that isn't very popular with the public and the economy's been hard on that. People want to bring the money home. They think their, you know, the American public is notorious, and I've heard some very interesting forums Brookings on that, about overestimating our generosity, overestimating our commitment to foreign aid thinking we're the biggest foreign aid country in the world, which, of course, we're not. And people think if there's going to be development assistance, how about starting it in Detroit or Toledo?

So it's not a very, you know, from a political standpoint -- I think it may be very sound policy, I have no opinion on that -- but you're adding another controversy to it, to a scenario that's already pretty tough. So I would imagine there may be some small pieces, but I can't imagine that would be a huge piece because I think it would just head straight into a political end.

MR. WEST: Yeah, the problem with foreign aid is, you know, Americans think that we devote 10 percent of our federal budget to foreign aid.

MS. LAKE: Right.

MR. WEST: And, of course, it is a tiny fraction of that.

MS. LAKE: Right.

MR. WEST: So it makes it a very hard sell.

MS. LAKE: You know, I didn't know if you wanted to answer someone's question on those numbers. I don't know anything about it.

MR. OSUNA: Yeah, I'm sure there are. I'm sure there are numbers on the impact of -- probably the Labor Department has them. I have not seen them, but I'm sure that somebody's done some research on it. Sorry, I can't help you.

MR. WEST: And we had a question on the DREAM Act and public opinion on that. Have you tested that?

MS. LAKE: We have. It used to be very popular. It's diminished in support, but it depends a lot on how you explain it. And it used to be very popular in the sense that people thought -- there's a very firm belief kind of like some of the other principles you have talked about that the sins of the father should not be inherited, and everybody gets a good start.

In Montana where I come from, there was originally federal budget deserting Confederate soldiers, people think don't ask anybody what their parents did. That's just really rude. So, but then as student aid got diminished and as college educations got more expensive, and people really wondering, is this a zero sum good? Then it started. You started to see some tension, and when you tell an individual's story, and there obviously are some very, very moving stories about young people who came here quite young, and they excel, whatever, then you tend to be able to shift again.

So it really depends on whether you're having -- which values are getting invoked by this conversation. And there are competing values here, particularly in these tight economic times with college tuitions going up.

MR. WEST: Boy, you can tell times are tough when a DREAM Act doesn't bode as well as it used to.

MS. LAKE: Right. That's right.

MR. WEST: That's really a bad time, but --

MS. LAKE: Times are tough.

MR. WEST: -- but we're out of time. I want to thank Juan and Celinda for sharing your thoughts with us, and thank you, the audience, for turning out as well.

(Applause)

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