

“Strangers and Aliens No Longer”

February 21st 2013

Dear Friends:

Introduction

“So then you are no longer strangers and sojourners, but you are fellow citizens with the holy ones and members of the household of God.” (Ephesians 2:19) I begin with those words of St. Paul because – although we come from a number of different backgrounds – folks of faith and folks of no faith – I’d like to think your invitation to me today comes out of that same spirit St. Paul was attempting to open up for his listeners in Ephesus.

I want to begin by thanking Dan Fazio, the director of the Washington Farm Labor Association, for this invitation to speak with you today at this – your annual convention. Yes, I *am* the bishop of Yakima but, no, I will not be proselytizing you. So if there are any collection baskets circulating during my talk, they don’t belong to me!

Let me open by saying that first and foremost, I’ve come today at your invitation to engage with you in a conversation – a conversation about immigration. This is not a new conversation. We’ve all been here before. Some of us have lived through a number of different public policy initiatives. Some of us remember the “Bracero” program that ran under a variety of forms from the start of America’s entry into the Second World War until well into the 1960s and even beyond.

Some of us remember the “amnesty” program of the late President Ronald Reagan of the 1980s that legalized the large number of immigrants who continued to come to our country after the “Bracero” laws expired. But because our Washington State agricultural sector is still built on a seasonal labor, I suspect all of us are grappling with the current patchwork of contradictory immigration regulations. This system of employer-based compliance leaves the impression that the employer must do what the border patrol failed to do at the border crossing – namely – enforce our nation’s immigration laws.

Being born in Moses Lake and having a grandfather who was a union organizer here in Central Washington, I am keenly aware that our state’s economy rises and falls on agriculture. Agriculture is the largest sector of our state’s economy. It’s larger than either technology or aerospace – Microsoft and Boeing notwithstanding. Although I was a priest and then auxiliary bishop in Seattle for a total of 22 years, most of my relatives are over on this side of the mountains and some of my own extended family members are growers in the lower Yakima Valley. So becoming Bishop of Yakima has been a bit of a homecoming to a place where I spent so much time as a child.

I've been the Catholic bishop of Yakima for about two years now. In that time, I've been greatly impressed by the maturity and depth of thought I've experienced on this topic of immigration here locally despite the sometimes toxic political climate on the national level. I am also keenly aware that a broad cross-section of stakeholders desires to engage in a thoughtful conversation about immigration. That broad cross section includes farmers and ranchers, growers and packers, farm workers and labor organizers, clergy and social workers, medical professionals and legal professionals, truckers and warehouse owners, journalists and teachers and yes, even civil servants and elected leaders in public office.

These individual contacts over these last couple of years suggests to me that our conversation should not start with the national agenda but with our local agenda because if we do not start a local neighbor-to-neighbor conversation with each other on immigration reform, it becomes very hard for our elected public officials to carry our desires into good legislation and effective public policy on the national level – especially in what is now a fast moving topic.

That's why the foundation of my talk will come – not from a political or ideological stance – but from a moral and human stance. Again, I come not to proselytize you but to perhaps give you a few tools from our Church's global and historical experience that might help you in thinking through what an immigration reform might look like if it were pointed – not simply to a political solution – but a human solution. So with that basic opening caveat let me now move away from my introduction and into the body of the talk.

Scripture: First and Foremost Strand of Wisdom

I'd like to suggest for your consideration today that the sacred scriptures – the Bible – forms one of the richest and most ancient sources of wisdom that would later inform jurisprudence with regards to immigration law not only here in the United States but in many countries around the world.

One of the best places to view this biblical wisdom is through the artistry of Rublev's famous icon written around 1410 and titled "The Trinity." It's based on an account from the eighteenth chapter of the Book of Genesis (Genesis 18:1-8) and conveys the account of three desert visitors visiting Abraham and his wife Sarah. Picking up from verse 9: "'Where is your wife Sarah?' they ask him. 'There in the tent,' he replied. One of them said, 'I will return to you about this time next year, and Sarah will then have a son.'"

"'Sarah was listening at the entrance of the tent just behind him. Now Abraham and Sarah were old and advanced in years, and Sarah had stopped having her menstrual periods. So Sarah laughed to herself and said, 'Now that I am worn out and my husband is old, am I still to have sexual pleasure?'"

Let me pause here! I used to tell my students, “The Bible is not boring” so to prove this point I’m going to repeat that line. “Now that I am worn out and my husband is old, am I still to have sexual pleasure?”

But the Lord said to Abraham ‘Why did Sarah laugh and say, ‘Will I really bear a child, old as I am?’ Is anything too marvelous for the Lord to do? At the appointed time, about this time next year, I will return to you and Sarah will have a son. Sarah lied, saying, ‘I did not laugh,’ because she was afraid. But he said, ‘Yes you did.’”

The three great faiths that share Abraham – Judaism, Islam and Christianity – all walk away from this law of desert hospitality for the migrant captured in Rublev’s painting a bit differently.

Artistically speaking, Jews and Moslems have a strict prohibition on making graven images of the Sacred. God is totally other – and – in Islam – beyond the categories of human reason. But for Christians God becomes known and seen in the person of Jesus and human reason is one of his attributes. Because of Jesus, the law becomes very personalized. Because this law is “personalized” in Jesus Christ, the human laws can better be seen as – not limits to human freedom – but tools for our human happiness and our moral excellence.

No wonder – then – that the visit of these three desert visitors is titled “The Trinity” by Rublev! These three migrant visitors anticipate the deep activity of a Trinitarian God whose very law of relationship IS one of love: Father, Son and Holy Spirit – and a God whose face we can see in the person of Jesus.

The fact that we see the face of a God who is love in the very person of Jesus uncovers some fundamental truths about ourselves – our understanding of the human person as male and female, the place of sexuality and the inherent dignity of the human person made in the image and likeness of a God.

I’d like to suggest that this strand of insight about the dignity of the human person whose antecedents stem from this desert encounter in the desert are what informs the legal systems of Europe, the Americas and much of the world in a positive way and – without imposing a sectarian religion on anyone – it seems to me that this might be the kind of wisdom we might want to harvest when finding a path towards a comprehensive immigration reform today.

Second Strand of Wisdom: Church Teaching and “the Common Good”

A second strand of wisdom can come from deepening our understanding of “the common good.” For most Americans, the “common good” sounds something like the utilitarianism of John Locke – “...the greatest amount of good for the greatest number of people....” But in Catholic tradition the “common good” of society has much deeper and richer roots stemming from St. Augustine and St. Thomas Aquinas.

In terms of the common good, St. Thomas Aquinas says this: “A human law has the character of law to the extent that it accords with right reason and thus derives from the eternal law.” I’m going to repeat that: “A human law has the character of law to the extent that it accords with right reason and thus derives from the eternal law.”

Let me drill down on this point a bit more deeply. If any of you here today are growers, packers or warehouse managers, I suspect many of you noticed our immigration laws “lack reason”. We are all aware of the increased number of employer audits. In 2007 there were 250 of these audits. In 2012 this number jumped to 3,000. Employers are required to have their workers fill out an I-9 form that declares them authorized to work in the country. Currently an employer needs only to verify that the identifying document looks real.

The result is that it’s left up to the employer to use their subjective eyesight to make a subjective judgment without any type of legal verification. But they have to do so in a way that is not racially biased or discriminatory. Then the government makes a subjective judgment about the subjective judgment made by the employer.

This subjective judgment about your subjective judgment could go a couple of directions: First, the government could sue you as an employer for being racially discriminatory if you questioned the veracity of the I-9. Or, conversely if you accept the veracity of the I-9, then the government could decide to do an audit based on subjective phone calls and complaints from others – including competitors – so that some employers are audited and others are not. Taken together, this makes for a very uneven – and dare I say – immoral business environment.

The kicker is that these subjective judgments based on failed immigrations laws are paid by you through your taxes. Y’all are paying for this: the audit time of your firm and – through taxes – the near lottery style selection of the government’s selective employer audits.

I will spare you the details of what I must undergo as a bishop when I am working with my priests who were ordained here but have come from Mexico or Latin America. But in a nutshell, in the same way you walk a fine line between an audit for not correctly verifying an I-9 and a discrimination lawsuit for challenging an I-9, many of us who are religious employers of any faith tradition walk a very fine line with the R1 – the visa for visiting missionary clergy. A person with an R-1 can apply for an I-360 permit to work, but when getting an entry visa, they can’t suggest to any immigration officer any intent to immigrate because that violates the understanding of an R-1, which presumes a temporary “missionary” status – even if they were ordained in this country.

Let me be clear here. I am not suggesting breaking the law. Nor am I suggestion civil disobedience. But we all need to ask ourselves a hard moral question: Are we telling the truth? When it comes to immigration, because “the character of the law” – as St. Thomas Aquinas would put it – does not align with “right reason” I am suggesting that we are running the risk of becoming a nation that does not value or respect the truth.

Are we telling the truth? Are we telling the truth to our customers about what it takes to put food on the tables of this country? Are we telling the truth to the wider public about what it takes to make our churches and parishes, our schools and our institutions to really flourish?

As a nation, we cannot accept the toil and taxes of our undocumented brothers and sisters without offering them the protection of a law based on “right reason.” We cannot scapegoat them, separate their families, and subject them to exploitation at the same time they pick our crops, cook our food, take care of our children, clean our homes, and care for our elderly. As a moral matter, our nation cannot have it both ways.

The Path Forward: Comprehensive Immigration Reform

So what’s the path forward? How do we develop a lasting immigration reform that is moral, truthful and humane? One possible starting point for these principles might be the work that has already been done jointly by the bishops of the United States and Mexico. The United States Conference of Catholic Bishops issued a joint pastoral letter with the Catholic Conference of Mexican Bishops in 2003 on the topic of immigration titled: ***Strangers No Longer: Together on a Journey of Hope***. Growing from this deeper understanding of the “common good” as bishops we suggested five key principals. Here they are:

- First Principle: Persons have a right to find economic opportunities in their homeland.
- Second Principle: Persons have a right to migrate to support themselves and their families.
- Third Principle: Sovereign nations have a right to control and protect their borders.
- Fourth Principle: Refugees and asylum seekers should be afforded protection.
- Fifth Principle: Undocumented migrants should have their human dignity respected and their human rights upheld.

Those five principles we are suggesting support the larger common good so let me open up each of them for your consideration.

First Principle: *Persons have a right to find economic opportunity in their homeland.* This first principle is one that is almost counter-intuitive because we are all so very dependent on immigrant labor for our agriculture here in Washington State. But this first principle on immigration basically states that people have a right **NOT** to immigrate.

In this first principle the bishops of both the United States and Mexico want to urge leadership to begin to look at the underlying causes of migration between our two countries. One way is through investment in Mexico.

In a conversation with some parishioners and one of my priests, it turned out that two of the people at the breakfast table had roots from the small Mexican town of “Dos Aguas” in the state of Michoacán. The main industry is logging and timber. A U.S. company invested in the town’s timber industry. As a result the small, 1,500-member town boasts a soccer field, a

movie theater, a nice school, a couple of stores and has basic police and fire protection along with water and utilities. Folks are now staying in “Dos Aguas” rather than migrating without documents into the Yakima Valley to pick fruit.

Second Principle: *Persons have a right to migrate to support themselves and their families.* Not every place in the world is like “Dos Aguas” in Michoacán. The vast majority of people who pick our crops and tend our fields are very hard working. As a bishop, I intentionally have our seminarians – our young men studying for the priesthood – spend time picking cherries and working in the apple warehouses because they need to know the real lives of the people they will serve as priests. The vast majority of our people work very hard with very long hours – especially during the harvest. They are here because they are there supporting themselves and their families.

Third Principle: *Sovereign nations have a right to control and protect their borders.* This third principle is pretty self explanatory but it’s interesting to note that this principle is jointly shared by both the Mexican bishops and the United States bishops. Perhaps the bishops of Arizona articulated this third principle most bluntly in their own 2010 statement on the same topic: “Our international borders need to be secured and we need to be protected from drug smuggling, weapons smuggling, human trafficking and violence.”

Controlling the border does not necessarily mean sealing the border. Again, returning to the Arizona bishops’ statement controlling the border means recognizing that: “Illegal immigration is bad for our nation. It is not good for us to not know who is entering our country.” Does this mean the border must be sealed? No. That would go contrary to the “common good.” We may want to consider how we can control the borders in a way that allows for the crossing of business and labor so that it grows into ever deeper levels of friendship and mutual respect.

Fourth Principle: *Refugees and asylum seekers should be afforded protection.* I already made a reference to migrant workers from Guatemala earlier in my talk. Historically speaking, we are all aware that a certain amount of migration comes due to dire political conflicts. Some of us recall the 1980s when we had numerous asylum seekers from several Central American countries locked in civil conflict. The principle suggests that no country should erect such high barriers that those in dire danger cannot find safety.

Fifth Principle: *Undocumented migrants should have their human dignity respected and their human rights upheld.* As I noted early in this talk, the “common good” is best served by a law that is rational. That means that even when people cross the border illegally, they should be treated with respect and dignity. They should not be detained for long periods of time. They should not be shackled by their feet and hands or abused in any manner. They should not be held in deplorable conditions.

Again, those five principles come jointly from the Mexican and American bishops as guides for both countries in working with immigration as a public policy issue and have guided our own nation’s Catholic bishops in calling for a comprehensive immigration reform.

The Proposal: Let's Work Together for Comprehensive Immigration Reform

Based on all of the above my proposal is quite simple – let's all work together for immigration reform. We need an immigration reform because the current patchwork of contradictory and confusing laws actually treats every single stakeholder unjustly: migrants, growers, packers, industry employers, law enforcement, teachers, the legal profession, clergy, and the health care system. There is not one stakeholder that I've named in this talk not dealing with some aspect of injustice in their business or their profession due to the irrationality of our current immigration laws.

There must be a process for people who are here regardless of their legal status. There must be a humane and rationale process – even for those who have entered our country illegally – to pursue legal status. Certainly this process could include proportionate consequences for the act of illegal entry, consequences that could include fines for illegal entry as well as the learning of English.

But we also need to recognize that the contradictory and unenforceable system of immigration laws with artificial quotas and hugely complex bureaucratic procedures with inconsistent enforcement IS the root cause for many of our immigration problems today. The simple reality that some 40 percent of the 11 million who have entered our country legally – but then fell “out of status” – is but one of many indicators that we need a significant overhaul of our immigration system as well as our system of documentation and enforcement.

Is there some way from our particular vantage point – be that of a grower, a farm worker, a medical professional, a teacher, a legal professional, a trucker, a warehouse operator, a union organizer, a church worker, a social service provider, a mental health specialist – is there some way we could come together in sharing key insights and elements that need to be considered in any comprehensive immigration reform by those in public life? Is there a way that we can all come together in some kind of dialogical process so that those who serve in public office know the key components we believe need to be incorporated into comprehensive immigration reform?

Obviously, as bishop of Yakima, I consider myself a very key stakeholder. The Catholic Church here in Central Washington is home to thousands and thousands of people who lack legal status. In my travels across Central Washington, I have met the children of these families. Sometimes these children are separated from parents due to deportation and a lack of legal status. I have met families whose members may have a great variety of legal status who are suffering because of long-standing political gridlock. For all of them the Catholic Church is often their only support of faith and the only place where they do not live in the shadows. If you have any contact with anyone who's undocumented chances are more likely than not that he or she is connected with the Catholic Church.

Because the Catholic Church has this prior relationship with so many of our undocumented, I am hoping that we can be a point of dialogue for the many stakeholders whose insight and wisdom we all need if we are to uplift and support a just and comprehensive immigration reform in our nation.

These last several weeks have been most hopeful for those of us who have had a keen interest in immigration reform. I believe that our working together can ensure that no Republican and no Democrat, no civil servant and no official in public life is left standing alone in his or her own pursuit of immigration reform with some kind of broad non-partisan support.

To that end, I'm happy to announce that the Diocese of Yakima has already partnered with Heritage University to hold the first of these stakeholder conversations. I am personally anchoring these conversations. Your own Dan Fazio has been a key partner for me in this initiative.

It's a way for us share information and work together for a focused comprehensive immigration reform based on the five principles I already outlined in this talk. If you're interested in joining the forum I hope you'll let me or even your very own Dan Fazio know.

Let me close by returning to that wonderful passage of St. Paul: "So then you are no longer strangers and sojourners, but you are fellow citizens with the holy ones and members of the household of God." (Ephesians 2:19)

The same is true for us, too. None of us need be strangers or sojourners. Why? Because in this great country of ours we have a parallel vision in our nation's motto: "E Pluribus Unum" which is to say – "From the many – One." That's our strength as a nation built – as we have been in our history – from a collection of migrants, immigrants and refugees. That's our strength today, too! May we welcome the immigrant, the stranger, and even the desert traveler! May we come together to promote a non-partisan immigration reform for those we see every day of our lives here in Central Washington!

Again, my thanks to Dan Fazio and the Farm Labor Council and my thanks to all of you for listening to such a robust and – dare I say – long presentation! God bless!

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