

ADDRESS

ST. VINCENT DE PAUL CHAIR OF SOCIAL JUSTICE LECTURE FOR 2008

VINCENTIAN BEYOND BORDERS: BUILDING A CIVILIZATION OF LOVE

MIGRATION TODAY: A SOCIAL JUSTICE ISSUE

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INTRODUCTION

It is an honor to have been chosen to present the St. Vincent de Paul Chair of Social Justice Lecture for 2008. The theme chosen is *Vincentian Beyond Borders: Building a Civilization of Love*. I must begin by giving my Vincentian credentials. They are certainly not connected to being an official member of the Vincentian order; however, I have a personal devotion to St. Vincent de Paul which comes from my many years as a Catholic Charities worker.

Over twenty years ago, someone had brought me a battered statue of St. Vincent de Paul, which I refinished. This statue has been in my office since that time. Each day I look upon the face of Vincent de Paul as he gives a piece of bread to an orphan child. The statue reminds me of the basic principle of social justice—that the poor must be fed and that truly there must be a preferential option for the poor.

In April of this year, I will travel to France on our Diocesan pilgrimage not only to Lourdes, but also to the shrines of Paris. I

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will make sure to stop at the Church where the heart of St. Vincent de Paul is displayed and pray there that my own heart, as well as the hearts of many, will be conformed to that heart that burned for charity and justice.

If St. Vincent de Paul were here today, what would he do when he looked at the situation of migration in our world today? Migration for the most part is a movement for those who are poor, for those in need of economic betterment, and even more importantly, safety for those fleeing refugee situations. Charity must be molded by justice. Charity embraces justice as we hear in the encyclical of our Holy Father, Benedict XVI, *Deus Caritas Est*.¹ There can be no true charity without justice. As we look at our situation today in that of migration, and especially in our own country, we recognize that it is a social justice issue that must be understood in a moral context. It is hard to find any public policy issue that is completely devoid of moral and ethical content. The issue of migration is one replete with moral and ethical issues.

I. A GOSPEL MANDATE?

But why must the Church involve itself in such things? Would it not be better that the Church confines itself to saving souls and leaves policy decision making to others? Perhaps we must understand who the Church is. Obviously, it is not the hierarchy alone. It is the people of God, as the Second Vatican Council has taught us.² And so, it is everyone involved in the process of seeking justice and of doing charity.

Several years ago, the Very Reverend G. Gregory Gay, Superior General of the Congregation of the Mission, gave the *Social Justice Lecture* entitled *A Passion for Justice*.³ He began where I wish to begin today, with the image of Jesus in the synagogue of Nazareth when He gave His inaugural homily. All that the Church seeks to do is to make real the messianic pronouncement of Jesus. The social doctrine of the Church and

¹ See BENEDICT XVI, ENCYCLICAL LETTER *DEUS CARITAS EST* ¶ 26–29 (2005).

² See PAUL VI, DECREE *APOSTOLICAM ACTUOSITATEM* ¶ 15–22 (1965).

³ Very Reverend G. Gregory Gay, Superior General of the Congregation of the Mission, Vincentian Chair of Social Justice Lecture at the St. John's University Vincentian Convocation: A Passion for Justice (Jan. 26, 2005) (transcript available at <http://www.vincenter.org/convocation/g-gay.html>).

the basis of our evangelization brings us eventually to realize the Kingdom—the Kingdom which is not only Jesus Himself, but also the Kingdom yet to be achieved. If we understand the inaugural sermon of Jesus, we will understand the moral imperative we have. Jesus came to the synagogue where He had made His Bar Mitzvah. When it was His turn to read the Scripture, He chose the scroll of the Prophet Isaiah (*Isaiah* 61:1–2) and proclaimed: “The Spirit of the Lord is upon me, because he has anointed me to bring glad tidings to the poor . . . to proclaim liberty to captives and recovery of sight to the blind, to let the oppressed go free, and to proclaim a year acceptable to the Lord.”⁴ I suggest, as Jesus did, that “Today this scripture passage is fulfilled in your hearing.”⁵

The Spirit, indeed, is moving in the world, and the Church has been appointed to bring Good News to the poor, the marginalized, to opt for the poor when the poor have no other option. How true this is today in the case of migrants, some of whom are the poorest in our nation. We must proclaim liberty to captives, because indeed, our migrants today are captives of an economic system that uses their labor and grants them no stable status.

Today, we are called also to give sight to the blind. The blind today in this instance is the American populous who see only a limited view of the problem, who do not recognize the injustices, but only see people who have broken man-made laws. Truly, we must set the oppressed free. The oppressed today among us are the immigrants who have come to live and work among us. We need only to look out here in Queens and Brooklyn and recognize the tremendous presence of both undocumented and documented foreign-born citizens of the United States.

Finally, we are called upon to proclaim God’s year of favor, the Year of Jubilee, the year in which there is an amnesty for the undocumented, as is the messianic proclamation. It is my hope in this talk to convince not only my hearers, but also those who might come across this presentation of the correctness of the Church’s position regarding the situation of migration today.

⁴ *Luke* 4:16–19 (New American).

⁵ *Id.* 4:21.

II. PRINCIPLES FOR REFORM

Let me begin with a historic document which was prepared by the Bishops' Conferences of Mexico and the United States. It is historic in a sense that it is rare that two episcopal conferences join together in an ethical statement. At the time of its presentation, I was the chairman of the Migration Committee at the United States Conference of Catholic Bishops. When the statement was begun, we had to seek permission of the Holy See to jointly work on such a statement. The heart of the statement, *Migration in the Light of Catholic Social Teaching*, is five principles which speak to the Church's teaching on migration.⁶

Recently, these five principles have come under question and have been criticized as somewhat inane and imprecise. I wish first to reflect on these five basic themes that permeate our Catholic social teaching and their particular relevance to migration and then will answer the criticism recently leveled. Most importantly, I will try to trace the sources of the development of these moral principles which form a firm basis on which we can develop a moral approach to setting immigration policy, not only for our country, but also for the world.

First, "[p]ersons have the right to find opportunities in their homeland."⁷ Obviously, the principle states that a person has the right not to migrate, and should have the ability to find a favorable situation for his or her family in dignity and safety. Migration is not the preferred means of equalizing global inequities. In a period of globalization when economic inequities still prevail, our Catholic social teaching gives us the mandate to globalize solidarity, to export our thirst for justice and back it up with a true Christian charity. Unfortunately, our American public does not understand the small amount of foreign and development aid that our country contributes to the world. In comparison to other developed nations, we lag behind in our proportionate contribution.

Second, the converse of the first principle is also true. "Persons have the right to migrate to support themselves and their families."⁸ Catholic social teaching derives its strength

⁶ UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, *Strangers No Longer: Together on the Journey of Hope* ¶¶ 33–39 (2003).

⁷ *Id.* ¶ 34.

⁸ *Id.* ¶ 35.

from its defense of the individual. The innate human dignity of every individual is the cornerstone of our Catholic social teaching. Papal teachings from John XXIII through John Paul II have emphasized that persons have a right to migrate and that poverty, persecution, and the desire for a better life are sufficient reasons to justify migration.

The third principle, however, balances the first two. “Sovereign nations have the right to control their borders.”⁹ They have a right to secure their country and its citizens from harm. They can determine who enters and what status those who enter receive. Catholic social teaching, however, also tells us that this must be determined by the common good—not only the common good of a society, but also the common good of those who would seek entrance into the society. Balancing these two goods at times creates conflict. In democratic societies, lawmakers and the electorate understand that difficult decisions must be made in discerning the common good. The isolation for the protection of a nation, however, can never be justified by racist or similarly unjust attitudes.

A fourth principle derived from Catholic social teaching regarding immigrants is that “[r]efugees and asylum seekers should be afforded protection.”¹⁰ They are among the most vulnerable members on the world stage. These marginalized individuals seek refuge from life threatening situations caused by war and sometimes natural disasters. Our country has been most generous in the past; however, we must keep an attitude of openness and generosity regarding those most in need.

Finally, the fifth principle—the respect for the human rights and human dignity of the undocumented—should always be respected.¹¹ The term “undocumented” has caused many to say that the Church is camouflaging an illegal situation. Persons without documents—those who have entered the country in an irregular situation or who have overstayed authorized entry—are persons who do not leave their humanity behind in their country of origin. For the most part, they are undocumented workers in a society whose labor market craves their labor but does not afford them status.

⁹ *Id.* ¶ 36.

¹⁰ *Id.* ¶ 37.

¹¹ *Id.* ¶ 38.

Just yesterday, *The New York Times* covered a story about an undocumented Mexican worker who fell to his death in the gale force wind we experienced that day.¹² It was two blocks from the house in which I live. The construction was a new condo apartment dwelling. The article detailed that he was an undocumented worker who sent money each week to his family in Mexico, and he was planning on returning home for good this summer.¹³ Will his family ever receive some type of insurance settlement? Stories like these are all too common.

III. SOURCES OF THESE PRINCIPLES

The sources of these principles come from the statements of the Holy See and the teaching of our Holy Fathers for the past fifty years. In 1969, the Sacred Congregation for Bishops issued new norms, *New Norms for the Care of Migrants, Pastoralis Migratorum*.¹⁴ It stated clearly that Church teaching in these terms:

The Right of Having a Homeland—It flows from the social nature of man that he is a citizen of some State or homeland, to which he is bound, not only by the rights of descent and blood, but by spiritual and cultural bonds.

....

The Right of Emigrating—Men have a native right of using the material and spiritual goods which allow . . . relatively thorough and ready access to their own fulfillment. But where a State which suffers from poverty combined with great population cannot supply such use of goods to its inhabitants, or where the State places conditions which offend human dignity, people possess a right to emigrate, to select a new home in foreign lands, and to seek conditions of life worthy of man.

This right pertains not only to individual persons, but to whole families as well. Therefore, in decisions affecting migrants their right to live together as a family [is to be] safeguarded, with consideration of the needs of family housing, the education of children, working conditions, social insurance, and taxes.

¹² Thomas J. Lueck & Daryl Khan, *Scaffold Falls, Killing Worker in Brooklyn*, N.Y. TIMES, Jan. 31, 2008, at B3.

¹³ *Id.*

¹⁴ UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, *New Norms for the Care of Migrants "Pastoralis Migratorum"* (1969).

Public authorities unjustly deny the rights of human persons if they block or impede emigration or immigration except where grave requirements of the common good, considered objectively, demand it.¹⁵

As you can see, this statement includes a former statement, *Exul Familiae*, issued by Pope Pius XII that deals with the exodus of refugees in Europe after the Second World War. In this tightly reasoned paragraph, we find the moral basis of our current Church teaching, which to some might seem contradictory for two reasons. First, all of our Catholic social teaching is based on the dignity of the human person. And, second, it is based on the common good of persons in society. Obviously, the application of these two principles demands careful and interdisciplinary application. This is, however, the work of a nation that wishes to formulate just public policy.

More recently, in 2005, the Pontifical Council for Migrants and Itinerant Peoples of the Holy See, of which I am a member, issued a statement regarding the issue of migration entitled *Erga Migrantes Caritas Christi: A Response of the Church to the Migration Phenomenon Today*.¹⁶ The document clearly states: “[F]oreign workers are not to be considered merchandise or merely manpower. Therefore they should not be treated just like any other factor of production. Every migrant enjoys inalienable fundamental rights which must be respected in all cases.”¹⁷ The issue of rights clearly becomes a matter of contention for those who would criticize these principles. And yet, how American is this that each individual is endowed with inalienable rights which come not from the state, but which must be guaranteed by the state. Unfortunately, as we understand these principles some see them as a case of conflicting rights, the rights of nations and the rights of individuals. And yet, the common good based on the dignity of the human person can resolve the apparent conflict.

¹⁵ *Id.* (internal quotation marks omitted). The United States Council of Catholic Bishops drew upon and quoted from many Catholic sources in promulgating these norms. See PAUL VI, PASTORAL CONSTITUTION *GAUDIUM ET SPES* ¶ 26 (1965); PAUL VI, DECREE, *APOSTOLICAM ACTUOSITATEM* ¶ 11 (1965); Pius XII, VII *DISCORSI E RADIOMESSAGGI* (“VATICAN EDITION”; MILAN: VITAE PENSIERO, 1959) 317, 391–93.

¹⁶ PONTIFICAL COUNCIL FOR THE PASTORAL CARE OF MIGRANTS AND ITINERANT PEOPLE, *Erga Migrantes Caritas Christi* (2004).

¹⁷ *Id.* ¶ 5.

It is the principle of solidarity which can resolve the apparent conflict between individual rights and the rights of the state. Solidarity is both a social principle and a moral virtue. In the *Compendium of the Social Doctrine of the Church*, the relationship is clearly stated:

The new relationships of interdependence between individuals and peoples, which are de facto forms of solidarity, have to be transformed into relationships tending towards genuine ethical-social solidarity. This is a moral requirement inherent within all human relationships. Solidarity is seen therefore under two complementary aspects: that of a social principle and that of a moral virtue.¹⁸

Solidarity has always been seen as a value and moral virtue that determines the orders of institutions. Solidarity, at the same time, is proactive in developing structures of cooperation that foster interdependence.

Catholic social teaching, which is the basis of the Church's policy on migration, roots its moral compass in the unique dignity of the human person. The late John Paul II, of happy memory, in speaking about human dignity, reminded us that when applied to migration the migrant is always a person with a unique dignity.¹⁹ The migrant is never an object of migration, but rather, its subject. It is free will that is exercised in the act of migration.

The same late Holy Father, John Paul II, in a message to the participants of an international conference entitled *Confronting Globalization: Global Governance and the Politics of Development*, had this to say about globalization and solidarity with particular emphasis on migration. The following is my translation of his original statement which was presented in Italian:

You can justly ask, therefore, how globalization and solidarity can be reciprocally integrated into the world dynamics which bring about a growing economic harmony and, at the same time, an equal development. The challenge always falls on giving life to a globalized solidarity naming the causes of the economic and

¹⁸ PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, *Compendium of the Social Doctrine of the Church* ¶ 193 (2004) (emphases omitted) (footnotes omitted) (citing CATECHISM OF THE CATHOLIC CHURCH ¶ 1939–42 (2d ed. 1997)).

¹⁹ JOHN PAUL II, ANNUAL MESSAGE FOR WORLD MIGRATION DAY 1996 *THE CHURCH AND ILLEGAL IMMIGRATION* ¶ 2 (1995).

social disequilibrium, and seeking opportunities and ways to insure that all have a future which integrates solidarity and hope.

It is necessary that the process of globalization in itself is animated by ethical values from the beginning, and is aimed at an integral development of every person and for every person. It is necessary that consciences are educated with a deep sense of responsibility and attention to the good of all humanity in every single component.²⁰

The common good and the inestimable human dignity must be considered together. And then we can come to make important moral decisions.

Perhaps most importantly, we must see the issue of migration today in the United States as one which is chiefly an issue of the labor market. The 2007 Labor Day Statement issued by the Domestic Policy Committee of the United States Conference of Catholic Bishops, of which I was then chairman, clearly identified that the problem of migration today is not one which has to do with international borders, but rather, an internationalized labor market. It will not be fixed by building a wall, but rather by a better understanding of the labor needs of our nation which attracts workers to fill the gaps in a changing labor market.²¹

Critical to understanding this perhaps are the prophetic words of John Paul II in his encyclical on labor, *Laborem Exercens*. In that statement he said: “[H]uman work is a key, probably the essential key, to the whole social question”²² How true these words are for our own situation today. The social question before us is that of migration, and it is human work which is the key to understanding the problem of migration in our society today. Only when we correctly understand work in the Christian context will we come to make the correct decisions

²⁰ JOHN PAUL II, MESSAGE OF THE HOLY FATHER TO THE PARTICIPANTS AT THE INTERNATIONAL CONFERENCE ON THE THEME OF *CONFRONTING GLOBALIZATION, GLOBAL GOVERNANCE AND THE POLITICS OF DEVELOPMENT* ¶ 2–3 (Apr. 30 to May 1, 2004).

²¹ Press Release, U.S. Conference of Catholic Bishops, Labor Day 2007: A Time to Remember; A Time to Recommit (Sept. 3, 2007), available at www.usccb.org/sdwp/Labor%20Day%202007.pdf.

²² JOHN PAUL II, ENCYCLICAL LETTER *LABOREM EXERCENS* ¶ 3 (2003) (emphases omitted).

regarding the treatment of workers and their place in the labor market.

IV. PRINCIPLES OR LIBERAL DREAMS?

Previously, I mentioned that there was some criticism of these principles which I believe are essential to guide us in a moral understanding of the issue of migration today. A recent article in *First Things* magazine this past May, authored by Peter Meilaender, issued a statement that criticized the bishops' use of these principles, perhaps misunderstanding their origin.²³ As I have demonstrated, they come from a long history of teachings from the Holy See. It is never easy to grasp the true intention of the application of moral principles to social problems. For example, some have characterized solutions as liberal or conservative. In the case of Professor Meilaender's article, the bishops of the United States are characterized as liberal in regard to this issue. His criticism identifies the avoidance of restrictions on migration. I believe this criticism, however, is unfounded since the Bishops' Conference clearly has stated over and over again, and I paraphrase, "undocumented migration, that is unrestricted migration, is good neither for the country nor for the migrants themselves."²⁴ This being said, however, the application of restrictionist policies is not the only path to follow. A better understanding of the problem before us will enable us to come to better solutions.

Allow me to briefly deal with each principle and a possible criticism or misunderstanding.

First, persons have a rights to remain in their home countries and to migrate to better their economic condition. Professor Meilaender, however, states: "Immigration regulations are a way of embodying in policy a preferential love for our own fellow citizens and the way of life that we share. Such a preference can be overridden, but it is not inherently suspect."²⁵

²³ Peter C. Meilaender, *Immigration: Citizens & Strangers*, FIRST THINGS, May 2007, available at http://www.firstthings.com/article.php3?id_article=447.

²⁴ See UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, *Current Immigration Laws Undermine Human Dignity; Bishops Call for Reform* (2000); see also UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, *Chairman Welcomes Immigration Reform Proposal, Voices Concern That It Is Insufficient* (2004).

²⁵ Meilaender, *supra* note 23.

Here we see a difference of interpretation. Preferential option for the poor, be they citizens or strangers, is something we cannot avoid if we are to be true to our Christian ethics or the messianic vision of Jesus Himself. It is indeed a challenge. The right not to migrate and the right to migrate can be misinterpreted. A person should be able to find economic stability in his own country. But when one cannot, one should be able to migrate with their families to a nation that can support them. At the same time, nations have obligations to the common good of their own citizens and to the strangers who come to their borders. They must make ethical decisions about who to admit and who not to admit. And yet, this balancing of rights is the way in which public policy should be formed.

Professor Meilaender, at the end of his article, comes to a position that is not so much in conflict with the stated policies and principles of the United States bishops, for he does recognize the need to grant amnesty for those who have a long-term presence here in the United States, while at the same time, forming adequate border controls. Certainly, there is no quarrel with his conclusions. To label the bishops' principles as "[c]ontemporary liberalism,"²⁶ however, I believe is a misunderstanding of our approach. Our Bishops' Conference today must take a prophetic and reasoned stance on the issue of migration. I believe that the balanced approach of the past must now be enhanced by a new understanding of the contemporary situation which is ever more complex, especially in regard to the present treatment of migration as a campaign issue by our would-be presidents.

V. REALISTIC RECOMMENDATIONS FOR REFORM

Before I detail some future directions, however, I must mention two commissions that offer some concrete solutions to the migration problem that we face. Briefly, a report of the Independent Task Force of Immigration and America's Future, co-chaired by Spencer Abraham and Lee Hamilton, a bipartisan approach, does give voice to the U.S. Commission on Immigration Reform.²⁷ This Commission, formed in 1990, after seven years of

²⁶ *Id.*

²⁷ INDEP. TASK FORCE ON IMMIGRATION & AMERICA'S FUTURE, IMMIGRATION AND AMERICA'S FUTURE: A NEW CHAPTER (2006).

existence issued policy statements recently revised by the Independent Task Force. Unfortunately, these policy recommendations, in a very comprehensive way, dealt with the issue. Although I cannot agree with all of them, especially the labor market emphasis on the importation of skilled workers, I do think this Commission has developed the most up-to-date and comprehensive approach that should be turned into legislative action. Although I cannot, however, outline each recommendation, it is clear that a comprehensive makeover of our present immigration system to meet contemporary needs is our only solution.

Another Commission on which I played an integral part was the Global Commission on International Migration. Inspired by the United Nations, but an independent Commission, it presented its report, *Migration in an Interconnected World: New Directions for Action*.²⁸ If I were to summarize the findings of this Commission, I would say that international cooperation is the only potential solution to the world-wide phenomenon of migration today. The globalization of migration has presented new challenges to a world growing smaller and smaller and interconnected by trade, labor markets, communication, and every social phenomenon that we experience. Only in a globalized world can migration become a binding force for the good instead of a destructive phenomenon given to endless discussion.

VI. HOW CAN WE OBTAIN REFORM?

There are many obstacles encountered by the national and international commissions which provide recommendations on solving the migration problem. The obstacles, unfortunately, reflect our contemporary society where self-interest prevails. Nativism, selfishness, and out-and-out racism, unfortunately, characterize our contemporary society and the world. While at the same time, a kinder understanding would seem to be a lack of public understanding of social policy issues. This is particularly true on the issue of migration, where public opinion has a disproportionate effect on the ability of politicians to do

²⁸ GLOBAL COMM'N ON INT'L MIGRATION, *MIGRATION IN AN INTERCONNECTED WORLD: NEW DIRECTIONS FOR ACTION* (2005), available at www.gcim.org/attachements/gcim-complete-report-2005.pdf.

what is right instead of to bend to what people would like to hear. There are times that the media aids and abets the misunderstanding of immigration in public opinion. While at the same time, there are other media outlets that correctly understand the issues at hand. But when demagoguery and underhanded methods are used, there is no clear public understanding of the issues. Certainly, a common sense approach today is necessary.

If I was running for public office and had the opportunity to speak to the general American public on this issue, this is what I would say. First, the migrants come here for one purpose, to work. Some come with their families and some without. Most of the benefits of their labor are spent for the families here or are sent back in the form of remittances to their home countries.

Second, where are the migrants? We do not find them camped out in our parks. For example, Flushing Meadows has no tents pitched by migrants as you might find over the Paris subway grates. But rather, our migrants are renting apartments, buying houses, and are integrated into the labor market so never even to be noticed.

Third, our migrants pay their share of taxes by renting apartments and helping landlords pay their property taxes, by using real and false Social Security numbers by which Social Security payments are deducted, by paying local, state and federal taxes by way of sales taxes, and by withholding taxes. The incidents of "off the books, wholesale employment" of two-thirds of the twelve million estimated undocumented workers does not hold. At least until recently, our labor market was below five percent unemployment. This has required additional labor to fill the gaps, not just where American workers prefer not to tread, but where real shortages exist. Certainly, in a period of higher unemployment, a natural flow back to home countries may be the result for some if they are free to leave and have not set down family roots. Clearly, we recognize that the undocumented, and certainly those who are documented, have integrated so well into our society that they are unnoticed. Yes, we can see some on street corners waiting to be picked up as day laborers, but this is the exception and not the rule. In the absence of a workable immigration system, an informal structure has taken its place. Where labor is needed we find the laborers,

be they foreign or domestic. A common sense approach is desperately needed today. I would recommend this to our would-be presidential candidates.

Unfortunately, we have seen in the past several months the deterioration of the public debate on immigration. The failure of the passage in Congress of the last immigration act was a prelude to the back tracking that most candidates have engaged in. Again, this is because of the strong factor that public opinion plays in this area. Certainly, there are many disappointing attitudes being portrayed, not the least of which is the pledge signed by one candidate against amnesty. It was signed by one who should have understood Jesus' inaugural sermon much better than most. To analyze the position of each candidate on this subject would be another lecture. I would refer you to a *New York Times* article published on December 30, 2002, which identified the current immigrant position on the key candidates.²⁹ It is clear, however, that only with a change in public opinion can our elected officials find a high moral ground by which they can change the contemporary misunderstanding to bring true solution to a policy area in desperate need of attention.

CONCLUSION

As we look forward to the presidential election and beyond, there is much work to be done to sensitize our politicians and our general populous in regard to the true issues to be faced and possible solutions that can be adopted. Yes, justice must embrace charity, and the love of our neighbor is the only way that we can bring justice to our land for both strangers and citizens.

²⁹ *Immigration and the Candidates*, N.Y. TIMES, Dec. 30, 2007, § 4, at 7.