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Face Off

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CNN

SHOW: LOU DOBBS TONIGHT 7:00 PM EST

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NEWS; Domestic

ANNOUNCER: Here again, Mr. Independent, Lou Dobbs.

DOBBS: A unique controversy unfolding in this country in the debate over immigration reform and gay rights. An immigration reform bill called the Unit-ing American Families Act seeks to grant legal residency to same-sex part-ners. While gay marriage advocates support the legislation, some of those seeking comprehensive immigration reform so-called say this bill will doom their cause. Lisa Sylvester has our report.

(BEGIN VIDEOTAPE)

LISA SYLVESTER, CNN CORRESPONDENT (voice-over): Congress has been here before, with three other attempts in recent years to pass compre-hensive immigration reform. But an internal disagreement among key sup-porters is threatening to rip apart the coalition of proponents.

At issue, whether immigration benefits for married people should be extended to include same-sex couples. The U.S. Conference of Catholic Bishops and the National Hispanic Christian Leadership Conference have been staunch allies for immigration reform.

But a provision that allows gays and lesbians to sponsor their partners for permanent U.S. residency is not sitting well. Reverend Samuel Rodriguez says it's not only a moral issue but a political one.

REV. SAMUEL RODRIGUEZ, NATL. HISPANIC CHRISTIAN LEADERSHIP CONF.: And to include same-sex benefits, a cultural wedge issue that at the end of the day serve as the death knell to comprehensive immigration reform legislation I think works contrary to the cause of comprehensive immigration reform.

SYLVESTER: Representatives Mike Honda and Neil Abercrombie are among the co-sponsors of the bill which is being pushed by gay and lesbian groups. They point to cases like that of Shirley Tann (ph), an illegal alien from the Philippines who has been ordered to leave the country.

She and her American have twin sons. Honda and Abercrombie believe they can get comprehensive immigration reform passed even with the same-sex language included.

REP. NEIL ABERCROMBIE (D), HAWAII: We're not going to run away from people who are being discriminated against. Not in this country, not now, not forever.

SYLVESTER: There are an estimated 35,000 bi-national gay and lesbian couples who could be impacted by the proposed legislation. (END VIDEO-TAPE)

SYLVESTER: Reverend Rodriguez says to get an immigration bill through Congress it's going to take the votes of the centrists or blue-dog Democrats, and including the same-sex provision in the bill he says will erode that support and without that support it will be nearly impossible to pass comprehensive immigration reform, Lou.

DOBBS: Lisa, thank you very much. Lisa Sylvester.

Well, the controversy over the "Uniting American Families Act" is the topic of tonight's face off debate.

Joining me now, former state department official, David Seminara who says the same-sex partner immigration legislation presents some insurmountable problems. Good to have you with us. And Congressman Jerrold Nadler, member of the House Judiciary Committee, who has sponsored the issue for years and says it needs to be passed and right away. Congressman, good to have you with us.

REP. JERROLD NADLER (D), HOUSE JUDICIARY COMMITTEE: Good to be here.

DOBBS: Let me begin with you. Federal law does not recognize same-sex partnership. Why should immigration and naturalization, why should that agency recognize it?

NADLER: Because the United States government should not be cruel to people except when absolutely necessary. And to keep loving couples apart, to say that you can't be with your -- with your -- with your partner in the United States or given the laws of the other country, your partner can't be with you in the other country, you can't be together at all, is simply cruel and it's inhuman and there's no reason to do it and the United States government should not work gratuitous cruelty.

DOBBS: Mr. Seminara, why do you say that's a bad idea on a humanitarian grounds as Congressman Nadler says, he makes a persuasive case?

DAVID SEMINARA, FORMER STATE DEPARTMENT OFFICIAL: Well, first of all, Lou, I'm not against the idea of same-sex marriages and civil unions -- excuse me -- civil unions or domestic partnerships. But I think the problem with this bill is that it puts the cart before the horse, in that it creates a relationship, legal status in immigration law that does not exist here in the United States and has simply no legal standing. It will create tremendous opportunities for fraud in the category of visas that's already ripe with abuse.

NADLER: With all due respect, that's nonsense. We do not have gay marriage. This is not part of the gay marriage debate. It is simply an attempt to stop being cruel to couples unnecessarily and to their children.

And with respect to fraud, you can have fraudulent shared marriages now. The same protections five years: in jail, \$250,000 fine for a sham same-sex relationships for immigration purposes will deter exactly as effectively or as ineffectively as it deters it for heterosexual sham marriages now.

SEMINARA: But...

DOBBS: Go ahead, Dave.

SEMINARA: ...that's simply -- on paper it appears as though there are stern penalties for people who commit marriage fraud, but the reality of the situation, Lou, is that very, very few people ever go to prison for committing marriage fraud.

I'll give you an example, May of last year, a Lebanese immigrant in Michigan was -- she pled guilty for committing marriage fraud and she was actually a mole for Hezbollah. She'd gotten jobs in both the CIA and the FBI. And she was actually -- she pled guilty to marriage fraud and was fined only \$750 and she didn't do a day of jail time. It's not a deterrent because...

NADLER: That may be an argument for harsher penalties or better enforcement of the laws respecting sponsoring partners, heterosexual partners, but it's not an argument against extending this law to gay couples. The law should be enforced.

DOBBS: If I may...

SEMINARA: Well -- sure.

DOBBS: I'm sorry, go ahead, Dave.

SEMINARA: Well, what I was going to say is, the major deterrent for Americans not to engage in a fraudulent marriage, either for money or for other reasons, is not the threat of going to jail, because very few people ever go to jail. The major deterrent is the legal entanglements that go along with marriage.

So that if I decide to marry someone in the Philippines, for example, for \$10,000. What I would be most afraid of is that that person will come to the United States and then after two years when they get their Green Card they can divorce me and then take half of my assets. But with domestic partnerships, that threat isn't there.

DOBBS: Let's turn to the Conference of Catholic Bishops has come up, as you know, Congressman, against your bill, saying, in part, this: "While the bishops support many of the provisions in the Reuniting Families Act, your decision to include in the bill the Uniting American Families Act which would

provide marriage-like immigration benefits to same-sex relationships makes it impossible for the bishops to support this year's version of your bill."

Well, let me just put it this way. I mean, do you think it makes sense to risk passage of the entire legislation?

NADLER: I think -- I think that whenever you're -- there's a question of egregious discrimination against a group, you must take on the issue head-on. For many years a former Congressman Adam Clayton Powell used to attach anti-discrimination, anti-Jim Crowe amendments to the legislation and he was considered wrong but he prevailed in the end. And everybody now says that was the right and moral thing to do.

I do think that given the small number of people involved, 35,000 couples altogether, maybe a couple hundred eventually a year once the backlog is taken care of, I hope that people when they see the overall bill and it satisfies them in many, many ways, will support this bill and we will pass it, despite this.

DOBBS: Let me ask you both this, because against the backdrop, and this is the part not under discussion, obviously, we're somewhere between 500,000 and a million people entering this country illegally every year, including overstaying their visas.

Against that backdrop of a total lack -- lack of enforcement of either border security or port security or U.S. immigration law, is this really a quibble really at the margin and one that is perhaps being overstated in its importance?

NADLER: Well, I would say that it...

SEMINARA: Not...

DOBBS: Go ahead.

NADLER: I would say that in terms of the opposition, yes, it's a quibble. It's a small number of people. And it's being overstated in terms of its importance, given all the statistics you just cited in terms of its impact on the country. In terms of its impact on American notions of fairness and in terms of its impact on the individuals involved, it's not a quibble.

DOBBS: Mr. Seminara.

SEMINARA: I absolutely disagree with that. Marriage to a U.S. citizen or green cardholder is by far the most common way for nationals to gain Green Cards. Last year alone there were over 400,000 foreign nationals that gained the Green Cards in this manner and it's also the number one program that's subject to the most fraud.

So this is by far the most common way for people living in other countries to either legalize their status in the U.S. or to come here as new arrivals, so this is...

NADLER: This is the current law. That's the current law.

DOBBS: I'm sorry, Congressman, we're going to have...

NADLER: What we're talking about is a very small addition.

DOBBS: Dave Seminara, thank you very much for being with us. We appreciate it.

SEMINARA: Thank you.

DOBBS: Congressman Jerrold Nadler, thank you for being with us. NADLER: You're quite welcome.