

# Laws Are Meant To Protect Human Beings, Not Break Them

By Archbishop John C. Wester, People of God, May 2017

As an archbishop, one of my key responsibilities is to promote unity in our local Church of the Archdiocese of Santa Fe. With this in mind, I could not help but be saddened to learn that a statement I recently issued regarding immigration in light of recent presidential executive orders was seen, in the minds of some, as being divisive. A few wrote to me to say, among other things, that they are dismayed at my apparent lack of respect for our immigration laws. Even though this is a complex topic and not one easily addressed in the space of this article, I thought it might be helpful to point to some of the areas I see as pertinent to this discussion, hoping that even a brief exposition may promote a greater understanding and lead to greater unity.

Many times I hear people say, “What don’t you understand about illegal?” The presumption seems to be that supporting undocumented immigrants means that I must not respect the law. I maintain, however, that it is possible to both support the law and defend those who are in our country without legal status. One reason for this is that our immigration system of laws is broken and completely inadequate to deal with the immigration reality we face in our country and in our world. For years and years, the Catholic bishops of the United States have been advocating for immigration reform precisely because we see the need for effective, comprehensive and sound laws that both promote the common good in our country and welcome the stranger in our midst. Good laws promote and connote respect for the law. Sadly, our elected officials have failed us in their inability to enact comprehensive immigration reform. They have come close, especially in June of 2007, but partisan politics and ideological myopia have prevented our representatives from crafting the necessary legislation.

Given this reality, I maintain that it is important to do what we can to respect the law to the extent that we are able without violating our consciences. What do I mean by this?

I often hear some people refer to undocumented immigrants as “those illegals.” What does that mean? Is someone speeding on I-25 an illegal human being? Are those who cheat on their income taxes “illegals”? First, it is important to establish that no human being is “illegal”. How we refer to one another makes a difference. Elie Wiesel, Nobel Peace Prize Laureate and Holocaust survivor stated, “You who are so-called illegal aliens must know that no human being is illegal. That is a contradiction in terms. Human beings can be

beautiful or more beautiful, they can be fat or skinny, they can be right or wrong, but illegal? How can a human being be illegal?"<sup>1</sup> The word illegal is not a noun. It only refers to a person's actions. Labeling people "illegals" who are here without proper documentation dehumanizes immigrants. It also assigns guilt to persons involved in complex legal circumstances that are, in part, created by a broken immigration system.

In our judicial system, the word "legal" or "illegal" means many things because there are many systems of laws and many levels of laws within those systems. There is divine law, natural law, statutory law, regulatory (administrative) law and common law, to name a few. Some laws are classified as criminal and other as civil. And within those categories we differentiate between felonies, misdemeanors and infractions. In reality, we all live under many systems of laws and we are called to respect these laws if we wish to be "law abiding". But what if there are conflicts between these systems? How do I decide which laws to obey when, say, civil law quarrels with divine law? Even if I have to pay a penalty under a law that I have broken (not reporting for army duty) I may have a moral obligation to disobey that civil law in order to obey a higher law (God's law) if my conscience dictates such civil disobedience.

In other words, and to my point here, I respect immigration laws in principle, even though they are terribly flawed just now. However, at the same time, I am obliged by my conscience to welcome the strangers in our midst, particularly if they are fleeing economic, political or religious persecution or if they are sure to become victims of violent and organized crime. Pope St. John XXIII, in *Pacem in Terris* wrote eloquently about the right of all human beings to migrate as well as not to migrate. Pope St. John Paul II added to this teaching when he wrote, in his address to the New World Congress on the Pastoral Care of Immigrants in 1985, "When there are just reasons in favor of it, [a migrant] must be permitted to migrate to other countries and to take up residence there. The fact that he is a citizen of a particular state does not deprive him of membership to the human family, nor of citizenship in the universal society, the common, world-wide fellowship of men." Naturally, the United States has the right to protect and defend its borders, even an obligation to do so for the safety of all of us. But this is not an absolute right. We are a country that is greatly blessed. We have an obligation to welcome our brothers and sisters, especially those suffering from persecution of any kind. As Pope Francis said when he went to Lampedusa early in his pontificate to mourn the tragic loss of refugees who had drowned seeking freedom from oppression and suffering, "...we have lost the sense of fraternal responsibility." Elsewhere he lamented that we have accepted as normal the culture of indifference.

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<sup>1</sup> <https://defineamerican.com/campaigns/wordsmatter/>

It is worth noting that from a moral perspective, intentionality and consequences are critical in determining the morality of an action. Immigrants are motivated by providing a life for their families, becoming loyal citizens one day, and, as I have said, to flee danger and in many cases, death. Furthermore, they make a genuine contribution to our society by enriching our culture, providing needed labor, enlarging tax revenues, forging enduring relationships and sharing their dreams and visions for a better tomorrow. To simply call some of them “illegals” does not do justice to the ethical and human reality of their situation. There is so much more that could be said but I hope these few paragraphs open up for some of us another way of looking at our immigration laws and those who try, but find it impossible to abide by them. Laws are meant to protect human beings, not break them. Sadly, our immigration laws are doing just that.

We are told we should fear the immigrant. The facts do not support such an assertion. Study after study has shown that immigrants are hardworking and God-fearing newcomers who contribute to the well-being of our country on a variety of levels. Indeed, if we are to fear anything, it should be those policies that rip apart the fabric of our country, policies that divide us, that demonize immigrants or any other group of people and that distract us from the real dangers to our safety and lives. The greater concern should be about the policies that isolate ourselves from the world community, that fail to enact common sense gun safety, that weaken our respect for the sanctity of human life through abortion or assisted suicide, and cause divisions in our democracy so great that dialogue and compromise are no longer possible. These are the real threats we face, along with failing to enact comprehensive immigration reform. Hopefully, we will achieve this elusive goal someday but it seems to always elude our grasp, administration after administration.

In the meantime, I urge us all not to be taken in by political soundbites or rhetoric that instills fear. Rather, let us take the time to hear the stories of those immigrants coming to our shores and borders. What don't I understand about “illegal”? Well, there is a lot I don't understand about it. We are speaking of human beings who have inherent worth and dignity. And I truly don't understand why we cannot build on the rich legacy of our great country and welcome the stranger in our midst whenever we are able. As Bishop Robert McElroy said in his excellent article in *America* (February 6, 2017), “Who are the people in the United States? All of us.” And from my perspective, that includes the undocumented immigrant who is my brother or sister, a fact that is more compelling to me than his or her legal status and one that I truly believe carries more weight. If it is the law that is flawed, then let's fix the law so that immigrants don't have to break it, and it no longer breaks them.