

On the Record

WITH
**U.S. Senator
Daniel K. Inouye**

by Ruth K. Oh

American Immigration Lawyers Association

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AS THE THIRD MOST SENIOR MEMBER OF THE U.S. SENATE, Daniel K. Inouye (D-HI) has been serving the needs of the state of Hawaii as a member of Congress for 47 years. As ranking Democrat on the Senate Defense Appropriations Subcommittee, Inouye has focused on defense and national security issues. He has given a lifetime of service to address the concerns and interests of the state of Hawaii and the nation. The senator took some time from his busy public schedule to speak to *ILT* about his immigrant heritage and the direction of national immigration policy.

Speaking to your personal experiences as the child of an immigrant parent and to your position as a senior U.S. senator, how do the challenges faced by immigrants in a post-9/11 environment compare to those you experienced growing up?

Certainly, I have seen improvements since my parents' days in the 1920s. At the time, the nation's far-reaching national security concerns toward Japanese Americans and Japanese nationals were at a heightened level. My mother, who was born in Hawaii, lost her citizenship rights when she married my Japanese-national father in 1923. Japanese immigrants were prohibited from applying for U.S. citizenship. In 1924, a law was enacted that excluded Japanese nationals from immigrating to the United States. That same year, I was born in Hawaii—a citizen at birth. Yet my father, who spent most of his life in Hawaii, could not be naturalized until 1953.

Soon after December 7, 1941, the United States' selective service system designated all Japanese, including citizens, as 4C ("enemy aliens"). We, Japanese Americans, were "enemy aliens" and could not serve in the uniform of our nation; we could not be drafted; we were just "enemy aliens." In 1942, Executive Order 9066 was issued, establishing internment camps to house 120,000 Japanese nationals and Japanese Americans living in the United States. We petitioned the government of the United States to give us an opportunity to serve, to demonstrate that we were as good as anyone else. Finally, in early 1943, President Franklin D. Roosevelt issued another executive order in which he declared that "Americanism is a matter of mind and heart; Americanism is not and has never been a matter of race or color," and authorized the formation of an all-volunteer infantry regimental combat team with the number 442.

While such discriminatory laws have been repealed, and the United States government has since recognized its overreaction and wrongful internment of U.S.-born Japanese Americans, Americans would like to be assured that we have come a long way from the earlier days of WWI and WWII. Unfortunately, it often takes time for those who suffered from civil injustices to speak out. Their stories are important because they remind us of what we are capable of in time of great conflict and hysteria, and that we must remember and learn from our mistakes, lest we repeat them in the future.

The enforcement of reasonable immigration laws will always be necessary to deter the misguided from abusing the privileges of U.S. citizenship, and to ensure that violators of our laws will face appropriate penalties and consequences for their malfeasance. In response to individuals taking advantage of the privileges of U.S. citizenship, there are those who support increased immigration policy restrictions, which would ultimately challenge a child's birthright to U.S. citizenship. Based on my personal experiences, I would question such an extreme shift in immigration policy.

Except for those original Native Americans whose an- →

snapshot

SENATOR DANIEL K. INOUE

- Enlisted and served in the U.S. Army's 442nd Regimental Combat Team, the famed "Go for Broke" regiment of soldiers of Japanese ancestry. Honorably discharged as a Captain.
- Received the Distinguished Service Cross, along with a Bronze Star, Purple Heart with cluster, and 12 other medals and citations.
- Received the Congressional Medal of Honor, this nation's highest award for military valor.
- Elected to U.S. House of Representatives in 1959 as the 50th state's first congressman.
- Elected to U.S. Senate in 1962, now serving in his 8th consecutive term.



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cestors inhabited this land from the beginning, we all have immigrant roots, whether from North, South, East, or West. It is imperative that as U.S. native-born sons and daughters of immigrants to this country, we protect our American heritage and shared values. The learning curve of a nation, especially one as diverse as America, is not always as quick as we would like. However, we must resist overly restricting or denying the rights of U.S. citizens so that we do not repeat the gross errors of the not-so-distant past.

As a U.S. senator, what considerations do you give to immigration problems, particularly in light of the globalization of the economy and the global environment, generally?

The challenge is to identify both short-term and long-term impacts of our nation's immigration policy and to discern whether the system effectively meets the demands of U.S. businesses and families, and whether the positive contribu-



Senator Daniel Inouye meets with President John F. Kennedy and Vice President Lyndon B. Johnson.

getting personal

SENATOR DANIEL K. INOUE

LENGTH OF PUBLIC SERVICE:

52 years

FAMILY:

Married to Margaret Shinobu Awamura (now deceased) and father of one son, Daniel K. Inouye, Jr.

EDUCATION:

B.A., double major in economics and government, University of Hawaii; J.D., George Washington University Law School

tions outweigh any negative consequences. We cannot afford to have a surplus of international workers in the U.S., but we need to be watchful also that our increasingly restrictive immigration policies do not result in giving advantages in global human resources to our international competitors. If U.S. companies believe global talent is essential to improve marketability and competitiveness, they may be compelled to establish new corporate operations abroad rather than upgrade its U.S. operations because of a lack of available and properly skilled human capital. This would hardly be in the nation's interest of promoting and sustaining domestic economic growth, particularly in the areas of science and technology.

What important immigration issues does Hawai'i face?

While immigration is federal policy, immigration laws affect constituents significantly in Hawai'i, as compared to that of some other states. Since statehood, Hawai'i has been an important center in the Asia Pacific region for our national strategic military presence, as well to foster cultural and international exchange in traditional and emerging technologies. Hawai'i's scientific research centers and hospitals seek and must compete globally for a limited number of leaders in the sciences and medical professions. Certainly, because Hawai'i is a favorite international tourist destination, it is in our national and state interest to be effective in achieving essential security goals and to also allow for efficient inspection and admission of international visitors for business and recreational travel. We have a rich, ethnically diverse population, and international travel is an extremely important piece in strengthening families and ensuring the state's vibrant economic growth.

The President has proposed a Strategy to Enhance America's Homeland Security through Comprehensive Immigration Reform that focuses on securing the border and a temporary worker program. Do you have any comments about the President's approach to immigration reform?

An orderly system based on reasonable enforcement of the laws is essential. However, building fences to place people in detention centers or sealing the borders from legitimate travel is not appropriate, nor in our nation's best interests. Through over-reactive security policies, we cripple a generation by limiting the rights and benefits that they would otherwise be entitled to, and we foster the creation of a hostile environment through racial divides in the name of security.

I recognize that the mix of certain previous laws and administrative error or delays can create a situation of unreal-

istic barriers for persons attempting to correct their status. From what I understand, some problems where quick legislative fixes may offer temporary but common sense-based relief include:

- Supporting a system that rewards individuals who contribute more than they take, and who do no harm to the community. The current immigration policies can be too restrictive by allowing only certain individuals, such as those who have academic degrees or other narrowly defined credentials, to obtain U.S. citizenship. The world has evolved quickly, and we need to be more responsive in our immigration policies to the many ways that immigrants can make valuable contributions to our society.
- Increasing current caps for certain skill-based visas, which, according to statistics, are sought after by U.S. employers to strengthen our economy;
- Correcting some of the overly harsh penalties that have given rise to the growth of illegal populations, such as barring people from returning to the United States for several years because of their previous overstay.

You voted in favor of the Hart-Cellar immigration bill in 1965—a bill considered the foundation of modern immigration law. The purpose of Hart-Cellar was to abolish the national quota system and base immigration on merit. Do you have any views about why and how the 1965 amendments failed to provide an orderly, balanced, and workable immigration system?

The goals of the law continue to be relevant because family reunification and meaningful immigration employment policy strengthen our social and economic fabric. In some instances, minor adjustments may be appropriate, such as increasing or reducing visa numbers to meet the nation's demands. Otherwise, the premise of Hart-Cellar continues to be valid. →



Senator Daniel Inouye receives the Congressional Medal of Honor from President Bill Clinton.

With regard to the huge illegal population, ... it is not possible to stick our heads in the sand, because doing nothing simply ensures that the illegal population remains underground. That, in turn, does nothing to make the U.S. more competitive, more secure, or more humane.

Several comprehensive immigration reform bills are being presented to the administration—two of them being the Comprehensive Enforcement and Immigration Reform Act and the bipartisan Secure America and Orderly Immigration Act. Having seen years of change in immigration, what do you think of current immigration reform efforts? What, particularly, do you think of a legalization program like that put forth in the Secure America bill?

Certainly, inconsistent enforcement of laws and administrative backlogs make it difficult to have an orderly system, and that bears a large part of the responsibility for the current

illegal immigration problem. As a result, the status quo is unrealistic. Further evaluation is needed to ensure that skill-based immigrants continue to be productively employed over a reasonable time before Green Card or citizenship benefits are issued. As global economies and security become increasingly reliant on workers with higher knowledge and technological expertise, our nation must remain open to ensuring that U.S. businesses are competitive and at the forefront of excellence, which involves education and worker incentives for both domestic and international talent. The solution will require much give and take because a dysfunctional immigration system in and of itself is not the only problem, nor will any one piece of legislation that focuses only on immigration policy reform alone be the solution. →


Do you think that major reform may be needed, and in what areas?

Even though the immigration system may no longer work as well as we would like, Congress should commit to improve it, no matter how heated the debate and no matter how long it takes. I find it difficult to support measures that provide amnesty or give special legalization rights to those who have violated immigration laws because it may not be fair to those who patiently wait years for their immigrant visas to become available, or to those who take painstaking efforts and sacrifices to stay in status and follow the rule of law to the greatest extent possible. Lawbreakers should not be rewarded for simply laying low and waiting for relief. (Accordingly, I voted against the Immigration Reform and Control Act of 1986, which established a temporary legalization program.)

In the context of employment immigration, the demand for foreign talent and labor continues to strain our current admission system, which is complex and burdensome for both the employer and employee. With regard to the huge illegal population, which resides in the U.S., it is not possible to stick our heads in the sand, because doing nothing simply ensures that the illegal population remains underground. That, in turn, does nothing to make the

U.S. more competitive, more secure, or more humane.

Also, favoring one country over another does not especially work well in the context of improving a federal immigration policy. One of the reasons I voted against the Singapore and Chile Free Trade Acts was that I did not believe those acts addressed adequately the needs of U.S. businesses for professionals in certain specialty occupations, regardless of country of origin. Giving professionals specialized visa allotments on a country by country basis does not provide a meaningful solution if the goal of the law is to aid U.S. employers.

If immigration legislation can support positive domestic economy and social policy, I am certainly open, but I also know that there are rarely any quick fixes, and every piece of legislation must be examined independently and on its merits. 

Ruth K. Oh is a partner at Kobayashi, Sugita & Goda in Honolulu and is listed in *The Best Lawyers in America* for immigration law. The author would like to thank the senator and his congressional staff, AILA Advocacy Director Marshall Fitz, and Senior Legal Editor Stephanie L. Browning for their help in bringing this interview to fruition, as well as AILA Executive Director Jeanne A. Butterfield and *ILT* Managing Editor Tatia L. Gordon-Troy for their support.

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