

**RESOLUTION 8YL****AMERICAN BAR ASSOCIATION  
YOUNG LAWYERS DIVISION**

RESOLVED, that the American Bar Association (the “ABA”) and any of its sections, divisions, committees and/or other subordinate or related organizations shall not hold any meetings, conferences or other events in the State of Arizona until Section 11-1051(B) of S.B. 1070, Laws 2010, Chapter 113 (the “Law”), recently enacted into law in the State of Arizona (concerning the requirement of law enforcement official to obtain documents verifying whether a person who has been stopped, arrested or detained for reasons other than violation of Federal Immigration Law is legally in the United States) until said Law is amended to remove the requirement that law enforcement officials verify the immigration status of persons stopped, arrested or detained “where reasonable suspicion exists that said person is an Alien and is unlawfully present in the United States....” as well as related or similar statements, including, but not limited to, the presumption in Section 11-1051(B) of the Law.

FURTHER RESOLVED, that the ABA urges the President to support the enforcement of current Federal immigration law.

FURTHER RESOLVED, that the ABA urges Congress to amend and Modernize Federal Law concerning immigration.

## REPORT

### *THE NEW COLOSSUS*

Not like the brazen giant of Greek fame,  
With conquering limbs astride from land to land,  
Here at our sea-washed, sunset- gates shall stand  
A mighty woman with a torch, whose flame  
Is the imprisoned lightning, and her name  
Mother of Exiles. From her beacon-hand  
Glows world-wide welcome, her mild eyes  
command  
The air-bridged harbor that twin-cities frame.  
Keep, ancient lands, your storied pomp!” cries  
With silent lips. *“Give me your tired, your poor,  
Your huddled masses yearning to breathe free,  
The wretched refuse of your teeming shore;  
Send these, the homeless, tempest-tost to me,  
I lift my lamp beside the golden door!”*

-- Emma Lazarus (1883)

The recently signed immigration law in Arizona runs contrary to the fundamental tenets of our Constitution relative to equal protection and due process. This draconian, and likely unconstitutional, law threatens to reverse nearly 50 years of civil rights advancements in our nation. It is, quite simply put, a law based on prejudice and fear, one whose purpose is to be divisive.

-- Carolyn Lamm, ABA President (Press Release, Apr. 30, 2010)

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This report recommends the passage of a resolution to prohibit the ABA or ABA sponsored entities from holding any activities in the State of Arizona until the so-called “Arizona Immigration Law,” S.B. 1070, Laws 2010, Chapter 113 is modified to remove the requirement that law enforcement officials verify the immigration status of persons stopped, arrested or detained “where reasonable suspicion exists that said person is an Alien and is unlawfully present in the United States...” as well as related or similar statements, including, but not limited to, the presumption in Section 11-1051(B) of the Law. The Resolution also recommends that Congress modernize Federal Immigration Law and that the President enforce those laws currently “on the books.” Only through a modern and effective immigration system can the United States honor the goals and aspirations of our *immigrant* forefathers.

The ABA should be holding or sponsoring events in any location which has established a de jure form of prejudice. The ABA includes in its Mission Statement Goal III, which calls for the ABA to oppose acts of discrimination. The Resolution supports Goal III by withholding the financial benefits that the ABA's presence brings to Arizona, given the many meetings and events that are held there. As Ms. Lamm explained in her April 30, 2010 Press Release:

This law encourages second-class treatment of individuals based on the color of their skin, and that is unacceptable. The American Bar Association has long opposed these kinds of initiatives because they intrude on personal civil rights and because they belie our nation's principle of justice for all. When justice for anyone in America is threatened, it diminishes us all as a free people.

As the ABA's landmark study in our March 2010 report on the immigration adjudication system demonstrates, the U.S. immigration system is fundamentally broken. Indeed, the ABA is aggressively urging Congress to enact immigration reform as a top priority. The Arizona law gives the authority of state and local police to engage in a broad range of immigration enforcement activities, enforcement that is — and should remain — a federal responsibility.

Only with a comprehensive national approach can we enhance our border and national security — which will benefit Arizona and all states — while humanely and realistically addressing the undocumented population and our overburdened immigration court system, and preserving our American traditions of fairness and due process under the law.

As we become more globally interdependent, more sensitivity between peoples and nations are called for, not less. We as Americans must hearken back to the principles on which our nation was formed and which have led to our providing a beacon of liberty for the rest of the world. This law throws a cloak over that light.

The ABA has a long history of promoting anti-discrimination and supporting civil rights and equality for all. Indeed, adherence to the dictates of Goal III, fosters and supports ABA Mission Statement Goal IV – preservation of the rule of law. Without access to *equal justice* under the law, the rule of law becomes irrelevant as statutes will be unjustly and arbitrarily applied.

Of course, the rule of law also requires the existence and diligent enforcement of the correct regulatory regime. In this regard, the ABA's landmark study *Reforming the Immigration System* (Feb. 2010) (the "ABA Immigration Report"), available at <http://new.abanet.org/immigration/pages/default.aspx> provides a model to the "the way forward,"

for comprehensive immigration reform. The ABA Immigration Report concludes that substantial reform is required including a complete overhaul of how immigration and immigration enforcement is conducted: “Protecting rule of law and due process are values we all share as Americans and they are at the core of ABA advocacy,” said Ms. Lamm. “This report focuses on the many ways in which our current immigration adjudication system is failing to meet our national expectations of fairness and effectiveness. We welcome its comprehensive analysis and look forward to considering adoption of its suggestions for reform.”

Only through equality and rule of law can our American systems of democracy survive and flourish. As the preeminent representative of lawyers in the United States, the ABA is duty bound to oppose discrimination while at the same time promoting effective and enforceable laws. Accordingly, the Assembly should adopt this report and the Resolution.

