



NEW JERSEY STATE BAR ASSOCIATION

June 26, 2018

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

The Honorable Kirstjen Nielsen
Secretary U.S. Department of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, D.C. 20528

Dear Attorney General Sessions and Secretary Nielsen:

On behalf of the undersigned groups, which represent thousands of New Jersey attorneys, we write to express our vehement opposition to the policies adopted by this administration in dealing with families seeking to enter the United States at the southern border. According to public statements by federal officials, these policies have meant initially separating more than 2,300 children from their parents. It now does not include any concrete plan to reunite these children with their parents and contemplates the potential wide-scale detention of families.

These efforts appear, therefore, to be deliberate actions happening without proper review and processing. As attorneys, we strive to abide by the rule of law and ask that fair and just application apply equally to those we represent and the system that we call our professional home. We speak on behalf of the New Jersey State Bar Association; Asian Pacific Lawyers Association of New Jersey; Association of Black Women Lawyers of New Jersey; Garden State Bar Association; Hispanic Bar Association of New Jersey; New Jersey Muslim Lawyers Association; and South Asian Bar Association of New Jersey.

While the administration says that these actions are being taken to protect public safety and prevent the entry of criminals to the United States, numerous law enforcement officials point out that the efforts actually undermine the cause of safer communities. As asserted in a letter from New Jersey Attorney General Gurbir S. Grewal and attorneys general in 20 other states, investigating and prosecuting crimes like human and drug trafficking and violent gang activity are "rarely local in context" and require collaboration across state and international borders. Simply put, the separation of families actually undermines the efforts of law enforcement across the nation to cultivate the community of trust necessary to prevent and prosecute crimes.

Further, these policies also overburden our criminal, family and immigration courts. We have grave concerns with the reported *en masse* processing of immigrants at criminal court proceedings. It appears that their fundamental due process rights to a fair hearing are being violated and public defenders are barely being granted sufficient time by an overburdened court to adequately represent their clients. Immigration is a complicated public policy issue that impacts the United States on multiple levels and these policies will certainly add burdens and challenges to the criminal, family and immigration courts, which are already short staffed and underfunded.

The matter requires nuanced and careful consideration and policy solutions that are served humanely and effectively, and that all families that have been separated are successfully reunited. A government-enforced policy of intolerance does not meet that need; rather, it has inflicted enormous harm on children separated from their families, it proposes families being detained, it impedes law enforcement's daily efforts to build trust and combat crime in their communities, and taxes the overburdened courts and immigration system.

We, as a people, recognize as basic to American values that dignity of all persons must be protected against abusive state action. To do this, we as Americans hold dear the concepts that government action must be subordinate to the safeguards of due process and a public, fair and impartial hearing. The current approach to border safety serves no legitimate purpose, is clearly punitive in nature and offends every one of the basic principles we hold dear as Americans.

The lawyers of New Jersey stand ready to assist in any way and urge you to redirect course to ensure our country's core principles are upheld.

Respectfully,

John E. Keefe Jr., President
New Jersey State Bar Association

Jack Chan, President
Asian Pacific Lawyers Association of New Jersey

Carolyn V. Chang, President
Association of Black Women Lawyers of New Jersey

William T. Rogers III, President-Elect
Garden State Bar Association

Hector Ruiz, President
Hispanic Bar Association of New Jersey

Ehsan F. Chowdhry, President
New Jersey Muslim Lawyers Association

Sharmila D. Jaipersaud, President
South Asian Bar Association of New Jersey