

# President's Message

LAWRENCE R. BACA

## Immigration Law on the Front Burner

**I**MMIGRATION LAW IS perhaps more important today than it was at any time in the history of North America since 1492. And everyone knows how I feel about 1492! In the great debate over immigration law reform, we must, as a nation, understand that neither universal

amnesty for individuals in the United States without permission nor a hermetically sealed border guarded by the military is a realistic solution. The xenophobic desire for a larger wall ("If you build it, they won't come")<sup>1</sup> must be dampened by the compassion of a nation that recognizes the benefit that it has reaped from being a melting-pot nation composed of myriad peoples—from its indigenous nations to the most recent arrivals.

Obviously, immigration law is on my mind and in the news. The state of Arizona's new laws have brought about a great deal of controversy. I note that Arizona's statute forbidding the teaching of ethnic studies, if extended to the university level, could ban an undergraduate degree like mine. I have a bachelor's degree in American Indian history and culture, which today would be called Native American studies.

I have just returned from Memphis, Tenn., where I attended the Seventh Annual FBA Immigration Law Seminar.<sup>2</sup> Barry Frager, chair of the FBA's Immigration Law Section, is the energy and guiding hand behind this conference. The 250 attendees were treated to an intellectually meaty program. (The conference is held the same week as the Memphis in May International Barbecue Festival, which offers an opportunity for speakers and attendees to enjoy an equally meaty evening after the lectures.) The seminar was set in three tracks, giving attendees many choices. I assigned myself to track 3, which was designed for new practitioners. Immigration law being totally outside my area of practice or expertise, that track was the perfect place to be. I found the topics to be of great interest; they included a mock trial of an immigrant adjudicated for deportation and a moot court appellate argument. The panel on appellate review of immigration decisions was composed of three judges from the Sixth Circuit Court of Appeals. Thus, the judicial review experience was very real-world and broad-based. Several attendees told me that the list of speakers was a "Who's Who" in immigration law.

At the luncheon program, I spoke about *Plyler v. Doe*,<sup>3</sup> a case the U.S. Supreme Court heard in 1982. In *Plyler*, the Court held that the state of Texas could not refuse a free public education to elementary and sec-

ondary school children on the grounds that they were illegal immigrants. The Court said that the status of being an illegal alien was not a suspect class because one enters the class voluntarily and it is, in fact, a crime to be in the class. The Court further held that education is not a fundamental right. However, the Court went on to state that the children were themselves innocent victims of their parents' unlawful conduct and that denying them an education would condemn them to a life of illiteracy. Stressing the extreme importance of education and the likelihood that these children will be permanent residents of the United States, the Court found that denying these children a free public education violated the Equal Protection Clause of the Fourteenth Amendment.<sup>4</sup> The Court also stressed that the costs to society of having a permanent resident underclass of illiterate persons would lead to their unemployment, dependence on welfare, and an increase in crime. On balance, the Court felt that the costs of providing the students an education were far less than the societal costs of leaving them uneducated.

Before I became president of the FBA, I said that the association should be among the pre-eminent providers of CLE and programming in immigration law. Now that I have attended this conference, I know that we are. **TFL**



A handwritten signature in black ink that reads "Lawrence R. Baca".

### Endnotes

<sup>1</sup>With apologies to W.P. Kinsella.

<sup>2</sup>The conference is co-sponsored, but the FBA has the lead. The co-sponsors included the Memphis Mid-South Chapter of the FBA, the Mid-South Chapter of the American Immigration Lawyers Association, and the U.S. District Court for the Western District of Tennessee.

<sup>3</sup>457 U.S. 220 (1982).

<sup>4</sup>The dissent stated that the Texas law was bad policy but felt that merely being bad legislation did not make the law unconstitutional.