



NO CONTEST: WILL ARTICLE A WINNER

Only Kenney Hegland could write an informative article that has us contemplating our own deaths and laughing out loud at the same time (“Rethinking Living Wills,” Oct. 2004 ARIZ. ATTORNEY). His “nutshell” volume on the Introduction to the Study and Practice of Law, which I recommend to new law students, is also both informative and, at times, really funny. As one who appreciates the value of humor in teaching, I suspect that Professor Hegland is as masterful at bringing humor into his classroom teaching as he is at working it into his writing. This, naturally, makes me feel a little envious ... but mostly of his students.

— *Cathy O’Grady, Professor of Law
Arizona State University College of Law*

PRESIDENTIAL PRAISE

Bravo for Chas Wirken’s President’s Message in the October issue (“It’s a Small World”).

There are those who are good and bad, caring and indifferent, charitable and greedy in every profession and walk of life; but I seem to remember being taught in law school that lawyers should be different, setting an example that others should admire, not deride. Chas’s message makes a badly needed point, but it is unfortunate that it should be necessary to make it at all.

— *Lisa Sommer Devlin
Devlin Law Firm PC, Phoenix*

IMMIGRATION COLUMN GARNERS BARBS ...

The number of outright distortions in Roxie Bacon’s “The Migration Muddle” (Nov. 2004 ARIZ. ATTORNEY, “The Last Word”) are too numerous to outline in a letter to the editor, so let me address just two.

First, she says, “Our Patriot Act has not caught a single terrorist, but it has short-circuited our Constitution.” A quick check online revealed that the Justice Department has used the Patriot Act to charge 310 people in terrorist investigations with 179 convictions or guilty pleas. The apparent willful ignorance of this information should give anyone pause as to the credibility of Ms. Bacon.

Second, Ms. Bacon says, “The next President has a full agenda before the term even begins: 1,000 Americans and 5,000 Iraqis dead in what was to be a short and happy war.” A “short and happy war”? No war I have ever studied was ever happy. No person I have ever heard in the public sector has ever described any war as happy. No one ever said that the removal of Saddam Hussein would be easy or happy. It is precisely this kind of statement that forces me to conclude that the author has zero credibility.

Ms. Bacon’s piece was full of platitudes without one concrete idea on how to solve the immigration problem. Using distortions and poor research for filler did not make up for this fact.

— *Eric Speelmon, Mesa*

Ms. Bacon’s simplistic article pertains to a world that we lived in about 30 years ago. I do agree with her that the “hostility against immigration” is fear-based. I, indeed, am afraid, and not ashamed to admit it.

I am afraid that my children and grandchildren will inherit the debt our nation is creating to care for illegal immigrants’ health care, education, incarceration in prison and lowered wages that they bring. I am afraid that I will be in a car accident by an illegal immigrant without car insurance, and left to bear the burden. I am afraid the school system will be lowered to suit the lowest common denominator; that teachers will have to tailor classes to suit those who can’t speak English. I am afraid that more hospitals will have to close their doors as they cannot turn away illegals who cross the border to have an American-born child (often timing the birthdate to their crossing into this country).

To compare the immigration policy to earlier times, such as when my grandfather landed on Ellis Island in 1911, is to compare apples and oranges. At that time logs were kept of immigrants (including their occupation), health checks were performed, and they assimilated, learned the language and became citizens. To say that the hostility springs from “ignorance” is insulting and patronizing. I have learned the statistics, Ms. Bacon, and I am not an attorney.

— *Andrea De La Cerda*

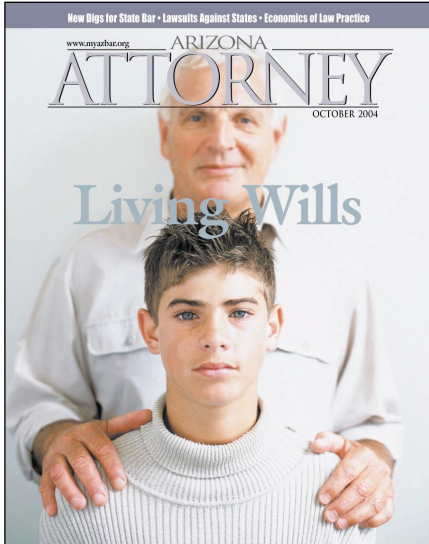
Roxie Bacon responds:

Mr. Speelmon should look at the Justice Department statistics more deeply. Where exactly does he find convictions for terrorism? Guilty pleas to what? The big media coverage “busts” have all turned out to be just that, busts, with no evidence and no convictions. As to the war being short and happy, perhaps Mr. Speelmon remembers something different about the pre-war hype in which there would be dancing in the streets following the “shock and awe” of our invasion. There is much going on in the streets of Iraq, but none of it qualifies as dancing.

And Ms. De La Cerda has her facts wrong:

- Arizona denies drivers’ licenses to people who are undocumented.
- A child born in the United States can confer no immigration benefits upon his or her parents until he or she is 21 years old.

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- Ellis Island was not a destination resort. It was a brutal place, with people held in cells, no doctors, families separated, possessions confiscated.
- English has never been a condition of immigration to this country; it was and is a requirement for U.S. citizenship.
- Undocumented children are not inherently inferior. A later U.S. Supreme Court links the teaching of *Brown v. Board of Education* to undocumented children: "It is difficult to understand what the State hopes to achieve by promoting the creation and perpetuation of a subclass of illiterates within our boundaries, surely adding to the problems and costs of unemployment, welfare and crime. It is thus clear that whatever savings might be achieved by denying these [undocumented] children an education, they are wholly insubstantial in light of the costs involved to these children" *Plyler v. Doe*, 457 U.S. 202 (1982).
- Ms. De La Cerda's fears are not new. Here is a disturbing echo, referring to Chinese immigration in the 1880s: "[T]hey remained strangers in the land, residing apart and adhering to the customs and usages of their own country. It seemed impossible for them to assimilate with our people or to make any change in their habits or modes of living. As they grew in numbers each year the people of the [West] Coast of the U.S. saw, or believed they saw, in the facility of immigration and in the crowded millions of [the native country] where population presses upon the means of sub-

sistence, great danger that at no distant day that portion of our country would be overrun by them unless prompt action was taken to restrict their immigration." *Chae Chan Ping v. United States*, 130 U.S. 581, 595 (1889).

Ms. De La Cerda is rightly proud of her family's contributions. But their hardships make it clear that honesty and kindness to our current waves of immigrants—who do our work for low wages and little respect—are simply justice.

... AND KUDOS

Kudos to Roxie Bacon for her thoughtful, rational and important article "The Migration Muddle." One can only hope that her message reverberates with policy makers and legislators in both Arizona and D.C.

And thanks to Roxie for taking a stand for sanity and compassion.

—Bradley J. Stevens

I just finished reading Roxie's commentary regarding immigration in the November issue, and I wanted to compliment her on a well-reasoned, well-written article. In a day and age when it has become so vogue to blame all of our problems in this country on immigration and foreigners, it is uplifting to see someone advocate on behalf of people (such as my parents) who have immigrated to this country and proudly work hard every day to make our nation better. Thank you for your effort.

—Thomas S. Zia
Ridenour, Hienton, Harper,
Kelhoffer, Lewis & Garth
PLLC,
Phoenix

I just read Roxie's column at the end of the current ARIZONA ATTORNEY. Right on the mark. One of the best statements about immigration, Iraq, fear, hatred and counterproductive policies I've read in a long time. Thanks to Roxie for the common sense she shares. Be ready for the attacks from the naysayers, but keep it up.

—Rudy Gerber
Shughart Thomson & Kilroy
Phoenix

Thank you for your article "The Migration Muddle." I greatly appreciate your taking the time to make such a strong and eloquent case against the increasingly common knee-jerk reaction to migration.

—Phyllis A. Roestenberg
Staff Attorney,
Community Legal Services,
Phoenix

ACCESS TO JUSTICE KUDOS

We write to you as the Board for the Arizona Foundation for Legal Services & Education, Inc. (formerly called the Bar Foundation). The mission of the Foundation's Board, staff, grantees and volunteers is to promote equal access to justice for all Arizonans. The Foundation provides technical and financial assistance to teachers, peace officers, social service providers and legal service providing agencies.

We want to thank the Board of Governors and Access to Justice Task Force for their good work in promoting access to justice for all Arizonans. The **Board of Governors** includes:

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—In the name of all those who will be assisted because of your foresight—We thank you. —

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