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December 17, 2015

Senator Elizabeth Warren
317 Hart Senate Office Building
Washington, DC 20510

Re: Boston Bar Association urges non-discrimination in federal refugee legislation and policy

Dear Senator Warren,

I write as president of the Boston Bar Association (BBA), a volunteer organization of more than 13,000 attorneys drawn from private practice, corporations, government agencies, legal aid organizations, the courts, and law schools. Our mission is to advance the highest standards of excellence for the legal profession, facilitate access to justice, serve the community at large and promote diversity and inclusion.

The purpose of this letter is to ask the members of the Massachusetts Delegation to continue their efforts to safeguard the fundamental legal and constitutional principles of fairness, equality, and non-discrimination as you consider numerous current proposals to reform refugee law. This perspective is especially important in your consideration of bills such as the American Security Against Foreign Enemies Act of 2015 (H.R. 4038), which specifically targets inhabitants of Iraq and Syria for disparate treatment as part of the federal refugee-admission process.

The BBA has a long history of defending principles of non-discrimination and equal protection, including in school desegregation and marriage equality cases. Our organization was founded in 1761 by a group of Boston lawyers that included John Adams, the author of the Massachusetts Constitution that later served as the primary model for the United States Constitution. Adams's Constitution formed the basis for the historic rulings in the *Mum Bett* and *Quock Walker* cases of the 1780's. Those decisions rejected slavery in the Commonwealth based on the principle that we all "are born free and equal, and have certain natural, essential, and unalienable rights." These are foundational principles of non-discrimination shared throughout our Commonwealth and our nation.

When the BBA addresses public policy issues, our goal is to put forth a measured position – one grounded in legal principles – to foster calm debate in the face of deeply felt emotions. Although we do not often comment on federal policy matters, we believe it is important to voice our opposition to proposals which would use national origin, race, ethnicity, religion, gender, gender identity, sexual orientation, or

other integral individual traits as the basis for discrimination in any form. Federal refugee policy should be no exception, especially given the extensive background and security checks already in place for these vulnerable populations who have suffered enormous hardships. The BBA opposes any attempt to create a separate and more onerous admission standard for refugees based solely on their country of origin.

We respectfully request that you continue to keep equal protection and non-discrimination principles at the fore of all U.S. legislation and policy decisions and urge rejection of HR 4038 and similar proposed legislation. We appreciate all your efforts in the Senate and look forward to working with you and your staff going forward.

Thank you for your time. Please feel free to contact me should you have any questions or concerns.

Very truly yours,



Lisa Arrowood
President

cc: Senator Ed Markey
Representative Bill Keating
Representative Jim McGovern
Representative Joseph Kennedy III
Representative Katherine Clark
Representative Niki Tsongas
Representative Richard Neal
Representative Seth Moulton
Representative Stephen Lynch
Representative Michael Capuano