



# PACDL

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## FOR IMMEDIATE RELEASE

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### **PACDL Issues Statement in Opposition to the U.S. Government's Actions Related to Asylum Seekers**

**Harrisburg, PA (December 24, 2018)** – The Pennsylvania Association of Criminal Defense Lawyers (PACDL) is a professional association comprised of over 850 lawyers who practice in the field of the defense of the accused in criminal cases in Pennsylvania. Many of our members have served in government positions and in corporate roles. Notable members have included former corporate General Counsels and Chief Compliance Officers, as well as former prosecutors and high-ranking government officials. We all have experience in the administration of justice.

As citizens, as lawyers, indeed, as members of the human race, we vehemently object to and oppose the government's actions in relation to asylum seekers at this country's southern border with Mexico, including its attempts to illegally limit asylum to refugees, its cruel detention of children, and the separation of infants, toddlers and older children from their parents, without good reason, and in some cases, perhaps permanently. The zero-tolerance policy promulgated by the Department of Justice and applied to immigrants seeking asylum or entering this country illegally, resulting in the long-term illegal detention of children is cruel, inhumane and violates international human rights laws and conventions to which we as a country are bound, including the Convention Relating to the Status of Refugees and the Convention Against Torture. No one can dispute that taking a child away from its parent is torture for both the child and the parent or that detaining children without providing appropriate love, care, shelter and education is unconscionable and would be criminal if done by an individual.

On December 19, the Associated Press released a story providing alarming and horrifying details about the detention of 14,300 migrant children, ranging in age from toddlers to teenagers. This article also confirmed that migrant children are being held in Pennsylvania. (See Burke and Mendoza, '[A Moral Disaster](#)' (Dec. 20, 2018)).

The detention of these children and the prosecution of their parents also violate the guidelines and norms informing prosecutorial discretion, as defined in the United States Justice Manual, promulgated by the Department of Justice. These guidelines advise prosecutors not to proceed if the prosecution would serve no substantial federal interest or an adequate non-criminal alternative to prosecution exists. In the case of immigrants legally seeking asylum and even many of those seeking to enter this country illegally, criminal prosecution serves no useful purpose and can be handled through civil immigration courts as it has been for decades. We have concluded that our government is implementing this policy to deter others from seeking to enter this country either illegally or legally.

The cruelty implicit in this deterrence is antithetical to the values of this country, held dear by the members of our organization, all of whom have sworn to uphold the Constitution and stand up for the persecuted, defenseless and afflicted in the face of overbearing government authority.

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We cannot sit silent while children and parents are suffering for no reason, at the hands of our government. We cannot sit silent when a policy that is intentionally discriminatory in its goal to prevent Hispanics from lawfully seeking asylum in our country and becoming citizens is enforced by our government and results in such cruelty and suffering. We cannot sit silent while this country's aspirational embrace of liberty for all is trampled.

As citizens of this country, we will continue to speak out on behalf of the victims and unconditionally and without reservation condemn this reprehensible policy as well as the immoral activity of our Government. As lawyers, we will continue to fight for justice for the parents and children affected by it.

*The Pennsylvania Association of Criminal Defense Lawyers (PACDL) is the leading advocate for the criminal defense bar. Its vision is for equal justice under law and supports criminal justice reform through judicial and legislative advocacy.*

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