



کانون وکلای ایرانی در آمریکا

IRANIAN AMERICAN BAR ASSOCIATION

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Iranian American Bar Association Urges Reversal of Florida Bill

Washington, D.C. – July 30, 2008 – On June 23, Governor Charlie Crist of the State of Florida approved SB 1310, substantially hindering the provision of certain travel services to individuals seeking to travel to or from nations designated by the United States Department of State as "terrorist states," specifically Cuba, Iran, North Korea, Syria and Sudan. According to statements by different government committees in Florida, the law was passed because of the threat posed by Cuba, due to that country's close proximity to Florida and given that Cuba "is the most likely terrorist nation receiving regular charter air and vessel travelers to and from Florida." See Professional Staff of the Military Affairs and Domestic Security Committee, *Bill Analysis and Fiscal Impact Statement* (March 18, 2008). Although it was drafted primarily with an eye to Cuba travel, the legislation overbroadly hinders travel to other countries, including Iran.

Although the law does not categorically ban sales of travel services to Iran, it does require sellers of travel, including tour guides, tourist-related industries, and even rental providers, to disclose that they are providing such services and it also increases fees and performance bonds (\$25,000 or \$50,000 if selling vacation certificates).

The Iranian American Bar Association (IABA) notes that in addition to harming many Florida businesses, this legislation serves to exacerbate ongoing misunderstandings and hostilities between the people of the United States and those on the US State Department's list of designated state sponsors of terror. Further, this law contradicts President Bush's policy of encouraging increased people-to-people exchanges between the United States and Iran. Additionally, although the Florida law applies to sellers which have registered to do business in Florida, it can not only have disastrous

effects on Florida-based travel sellers, but can also limit choices for consumers in Florida or anywhere else in the nation by adding barriers to entering the business, thereby reducing competition.

Finally, IABA believes that the Florida law presents serious issues concerning the dormant commerce clause in the US Constitution, the fundamental right to travel, and the Federal government's power over foreign affairs. As expounded by the United States Supreme Court in *Kent v. Dulles*, 357 U.S. 116 (1958), "Freedom of movement across frontiers in either direction, and inside frontiers as well, was a part of our heritage. Travel abroad, like travel within the country, . . . may be as close to the heart of the individual as the choice of what he eats, or wears, or reads. Freedom of movement is basic in our scheme of values." Travel between Iran and the United States is a critical component of not only US foreign policy, as it encourages grassroots exchanges and the development of civil society, but of significance important to Iranian-Americans whom have family members and strong cultural ties to Iran and therefore travel frequently to their home country.

As noted further by the Supreme Court, the fundamental right to travel may only be limited by significant foreign policy justifications supporting restrictions on the right. Those foreign policy considerations have been traditionally deferred to the political branches which have power over foreign relations, specifically Congress and the President. Neither Congress nor the President has decided to exercise its foreign relations power to limit travel between the United States and Iran. Given the particularly high tensions prevailing between the US and Iran at present, Florida's travel law improperly and unconstitutionally interferes with the Federal government's foreign relations power.

IABA concurs with positions embraced by the [National Iranian American Council \(NIAC\)](#) and the [Public Affairs Alliance of Iranian Americans \(PAAIA\)](#) that the Florida law creates both bad policy and bad law. The IABA urges the government of the State of Florida to reconsider this potentially damaging policy which hinders a much needed, increased understanding between the peoples of both states vis- is each other, an understanding which is proving increasingly essential in these challenging times.

IABA is a non-religious, independent organization and is not in any way affiliated with any other organization. IABA was founded in November 2000 and currently has almost 300 official members nationwide. IABA seeks to educate and inform the Iranian American community about legal issues of interest, and to ensure

that the American public at large as well as our representatives and other government officials are fully and accurately informed on legal matters of interest and concern to the Iranian American community. In addition, IABA strives to publicize and promote the achievements of Iranian American lawyers and other legal professionals and to assist attorneys and law students in their legal careers. For more information or to learn how to become a member, please visit <http://www.iaba.us>.

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