

## ABA Praises Decision in *Arizona v. United States*

**A**BA President Bill Robinson praised the United States Supreme Court's decision in *Arizona v. United States*, which held that three provisions of S.B. 1070, Arizona's immigration law, were preempted by federal law. The ABA filed an amicus brief in the case, arguing that the law should be overturned. The Association maintained that "immigration law and policy are and must remain uniquely federal, with states having no role in immigration enforcement except pursuant to federal authorization and oversight." The ABA's Commission on Immigration influenced the ABA's brief in the case. The Commission has provided pro bono assistance to detainees on the Mexican border.

The leadership of the ABA has opposed the Arizona legislation since its adoption in 2010. At the time, then-ABA President Carolyn Lamm declared, "The recently signed immigration law in Arizona runs contrary to the fundamental tenets of our Constitution relative to equal protection and due process. This draconian, and likely unconstitutional, law threatens to reverse nearly 50 years of civil rights advancements in our nation. It is, quite simply put, a law based on prejudice and fear, one whose purpose is to be divisive." She charged that the law amounted to racial profiling, was "divisive," and derived from "fear and prejudice."

Robinson stated after the decision, "In light of the Court's ruling that upholds immigration status checks by state law-enforcement officials under Section 2(B) that are conducted consistent with federal immigration and civil rights laws, the ABA calls on authorities to avoid unnecessary, prolonged detention of individuals who are lawfully present in the United States."

Robinson's statement came ten days after he praised the Obama Administration's decision to allow youths who illegally came to the United State the right to remain in the country if they were to meet certain criteria. Robinson stated, "These young people deserve a chance to pursue the American dream. . . . The [Obama Administration's] announcement is consistent with American ideals of fairness and opportunity. Children should not be punished for the acts of their parents." Robinson "urge[d] Congress to pass the Development, Relief, and Education for Alien Minors Act, which would give deserving young people an opportunity to remain in our country for the longer term and to earn citizenship. The DREAM Act would give children who were brought here through no fault of their own the opportunity to become fully contributing members of our society."

## ABA Urges Confirmation of Judicial Nominees

**O**n June 20, the ABA sent a letter to Senate Majority Leader Harry Reid and Senate Minority Leader Mitch McConnell voicing its concerns about the slow pace of the judicial confirmation process. The ABA is concerned that judicial nominations will come to a halt because of the so-called "Leahy-Thurmond Rule," in which the Senate stops confirming "long-standing" judicial nominees during a presidential election year. The last circuit-court nominees were confirmed in June during the 2004 and 2008 presidential campaigns, and in July during the 2000 campaign.

The letter submitted by ABA President Bill Robinson expressed "grave concern" for the prospects of confirming a number of judicial vacancies. He urged the Senate leaders "to schedule floor votes on three pending, noncontroversial circuit court nominees before July and on district court nominees who have strong bipartisan support on a weekly basis thereafter." Robinson noted that the appellate court nominees—William Kayatta,

Jr. of Maine, nominated to the First Circuit; Robert Bacharach of Oklahoma, nominated to the Tenth Circuit; and Richard Taranto, nominated to the Federal Circuit—all had either bipartisan support and support from home-state Republican senators. Kayatta was nominated on January 23, 2012 and received a hearing in March. Bacharach was also nominated on January 23. On November 10, 2011, Taranto was nominated to the Federal Circuit. All three nominees were rated unanimously "well-qualified" by the ABA's Standing Committee on the Federal Judiciary.

On June 24, Senator McConnell and ranking Senate Judiciary Committee Member Charles Grassley sent a letter to respond to Robinson's request. They expressed their "surprise" at their receipt of the letter, noting that vacancies at this point in an election year were about the same or lower than at the same point in 2008. The senators observed that several long-standing, noncontroversial Bush nominees, including Robert