



June 25, 2012

## SUPREME COURT UPDATE

The Supreme Court announced decisions in two cases this morning.

- *Miller v. Alabama/Jackson v. Hobbs* – the Court held that the Eight Amendment’s prohibition on cruel and unusual punishment forbids a sentence of life without parole for a juvenile who was convicted of murder at the age of 14.
- *Arizona v. United States* – The Court held that Section 2(B) of Arizona’s immigration law, S.B. 1070, was improperly enjoined because state courts need to interpret and apply the law before it could be determined if federal immigration law preempted it.
  - This section of the law requires state law enforcement officers make a “reasonable attempt” to determine the immigration status of a person if “reasonable suspicion exists that the person is an alien and is unlawfully present” in the country. The law also requires that the immigration status of an arrestee must be determined before the person can be released.
  - The Court held that it would be inappropriate to assume this section will be construed so as to conflict with federal law. Thus, today’s holding merely states that this section was improperly enjoined and does not foreclose further challenges to it.
  - The Court also invalidated three other provisions of S.B. 1070, holding that they were preempted by federal law.
    - Section 3 of the law created a misdemeanor offense for failure to carry an alien registration document. The Court held that because the federal government occupies the field of alien registration, Section 3 is preempted by federal law.
    - Section 5(C) of S.B. 1070 made the application for, or performance of, work by an unauthorized alien a misdemeanor offense. This section was preempted as an obstacle to federal enforcement methods.
    - Section 6 of the law allowed state law enforcement to make warrantless arrests if probable cause exists that the arrestee committed a removable offense. The Court held that this section is preempted by federal law because it creates an obstacle to federal immigration objectives.

The Supreme Court also summarily reversed a Montana Supreme Court decision from earlier this year that upheld a state law restricting certain political expenditures by corporations. In reversing the state court, the Supreme Court stated that its holding in *Citizens United* unequivocally applies to state law.

The remaining decisions for this term will be announced on Thursday, June 28, 2012.

### **Remaining Supreme Court Decisions**

<b>Case Name</b>		<b>Date of Argument</b>	<b>Question for the Court</b>
1.	First American Financial Corp. v. Edwards	November 28, 2011	Federal law allows homebuyers to sue banks and title companies when they pay kickbacks for the closing of a mortgage loan. This case will decide if such payments are constitutional where price or quality of the services provided is not affected.
2.	United States v. Alvarez	February 22, 2012	Whether a federal law criminalizing lies about receiving military medals or honors violates the First Amendment.
3.	U.S. Department of Health and Human Services v. Florida  National Federation of Independent Business v. Sebelius  Florida v. Department of Health and Human Services	March 21, 2012	(1) Whether Congress has the power under the Constitution to require virtually all Americans to obtain health insurance or pay a penalty; and (2) whether the Anti-Injunction Act, which prohibits taxpayers from filing a lawsuit to challenge a tax until the tax goes into effect and they are required to pay it, prohibits a challenge to the Act's provision requiring virtually all Americans to obtain health insurance or pay a penalty until after the provision goes into effect in 2014.