

2017 Midyear in Washington

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Three “C”s dominated the Midyear Meeting on March 18, in the District of Columbia: civics, civil liberties, and the Constitution.

Civics. FBA President Michael J. Newman’s priorities include civics—including assisting and encouraging federal judges to interact with students in and out of the courtroom. At the Midyear Meeting, Judge Newman recognized and honored Isabelle Scott and Alexander Ashman, high school and middle school students, respectively, for penning eloquent and beyond-their-years essays addressing the importance of an impartial judiciary. Also at the Midyear Meeting, Hon. Joseph Bianco, U.S. district judge, Eastern District of New York, walked us through the ins and outs of “The EDNY Justice Institute,” a model “court camp” program. Over 70 chapters of the FBA now have program liaisons, building on the FBA’s plan to engage as many students as possible. For more information, please visit www.fedbar.org/News-From-the-FBA/Court-Camps-Grow-in-Popularity-as-FBA-and-Judges-Prepare-Students-for-The-Future.aspx.

Civil Liberties. The Midyear also featured a lively and timely panel discussion on “Protecting the Homeland and Honoring Civil Liberties: How Can the Constitution Guide Us?” The Immigration Reform Law Institute’s Michael M. Hethmon provided an overview of Congress’ and the president’s authority over immigration and foreign relations; the text of the “travel ban,” i.e., Executive Order 13,767 and its replacement, Executive Order 13,780; and the various opinions of the U.S. Court of Appeals for the Ninth Circuit and district courts that have reviewed the travel ban. Next, Gwendolyn Keyes Fleming, former principal legal adviser to the U.S. Immigration and Customs Enforcement, explained two recent lesser-known—but attention-worthy—presidential actions: Executive Order 13,767, which purports to loosen privacy rights associated with the “catch-and-release” program, and Executive Order 13,768, which purports to expand the categories of persons subject to priority removal beyond those convicted of a crime to include those *charged* with committing a crime and those uncharged but *guilty-in-fact* of a crime. And



Photo 1: Kent Hofmeister spins the FBA wheel for a prize. Photo 2: Winners of the Inaugural Civics Essay Contest stand for a photo with FBA leaders. Left to right: Randolph Scott, Isabelle Scott, Judge Newman, Stacy King, Jeffrey Rosen, Alexander Ashman, Jon Ashman, and Bruce Moyer. Photo 3: Left to right: Gary Anderson, Hon. Michael Newman, and Joan Brady. Photo 4: Left to right: Brad Davis, Adine S. Momoh, David A. Goodwin, Anh Le Kremer, and Cal Chipchase. Photo 5: Left to right: Patricia Paul, Raymond Dowd, and Ashley Akers. Photo 6: Left to right: Andrew Clark, Kelly T. Scalise, Wylie Stecklow, and Rob Rando. Photo 7: FBA leaders during the morning breakout. Photo 8: Gwendolyn Keyes Fleming, former principal legal adviser, U.S. Immigration and Customs Enforcement, during the Midyear Meeting CLE panel.

professor Sahar Aziz of Texas A&M University School of Law examined the administration’s travel ban and other immigration actions through the perspective of affected communities. She made her case, with slides of statistics dating back to the war on drugs, that the treatment of individuals from politically vilified, socially marginalized, or economically disadvantaged groups predict what may become the new normal affecting us all. She encouraged and “deputized” FBA members to intervene to reach out to and support these groups.

Constitution. The Midyear Meeting’s luncheon featured not only tasty arugula, chicken, and tarts, but professor Jeffrey Rosen of George Washington University School of Law in Washington, D.C., and the president and chief executive officer of the National Constitution Center in Philadelphia, Pennsylvania. He excited the packed room about the “Interactive Constitution,” an entirely nonpartisan website and smartphone application that comprehensively addresses our Constitution. In fact, as Rosen explained, the developers and endorsers of the Interactive Constitution include the American

Constitution Society and the Federalist Society. Although Rosen still carries around a pocket-size version of the Constitution, the Interactive Constitution goes well beyond the text of each article, section, and clause to provide: (a) their meaning according to the consensus of the legal community; (b) their meaning according to diverging (i.e., liberal and conservative) points of view; (c) open, unresolved questions as to their meaning; and (d) their historical antecedents (e.g., from the founding Constitutions of Massachusetts or Virginia). Rosen also took the opportunity to poll FBA members for their feedback and suggestions for getting the word out. As he reminded us, our founders warned that democracy cannot survive an uneducated citizenry. To install the entirely free Interactive Constitution on a smartphone, visit www.constitutioncenter.org/interactive-constitution. ☺

Andrew J. Doyle is a member of the editorial board of The Federal Lawyer.