

## THE SUPREME COURT TODAY



Every year, the Supreme Court receives about 10,000 cases for review, but only hears about 80 of them. While no one really knows why some cases get heard but others do not. The Supreme Court has several factors that it considers when deciding what cases to hear:

1. The Court will Hear Cases to Resolve a Conflict of Law: The U.S. judicial system consists of 13 federal circuits and 50 state supreme courts. When a number of these courts reach different conclusions about an issue of federal or constitutional law, the Supreme Court may step in and decide the law so that all areas of the country can then operate under the same law.
2. The Court will Hear Cases that are Important: Sometimes the Court will consider a highly unusual case such as *U.S. v Nixon* (concerning the Watergate tapes) or *Bush v. Gore* (concerning the extremely close election in 2000), or a case with an important social issue, such as abortion in *Roe v. Wade*.
3. The Court will Sometimes Hear Cases that Speak to the Justices' Interests: Sometimes Justices give preference to cases that decide an issue in their favorite area of law.
4. The Court hears Cases when Lower Courts Disregard past Supreme Court decisions: If a lower court blatantly disregards a past Supreme Court decision, the court may hear the case to correct the lower court, or alternatively, simply overrule the case without comment.

**DIRECTIONS:** Today each group will be given a separate case to analyze. For each case you must use your knowledge of the Constitution to:

1. First guess whether the Supreme Court “accepted” the case
2. Then assuming that the case was accepted for review by the Supreme Court, explain what you believe their decision may have been

Case Name	1. Do you believe this made it to the Supreme Court? Was this an important case for the Supreme Court to hear? Why or why not? Explain.	2. Assuming this case DID make it to the court, what do you believe their decision would have been? Why?
<b>A) <i>Ricci v. DeStefano</i></b>		
<b>B) <i>Forest Grove School District v. TA</i></b>		
<b>C) <i>Florida v. Rabb</i></b>		
<b>D) <i>Pietrangelo v. Gates</i></b>		
<b>E) <i>Graham v. Florida</i></b>		
<b>F) <i>United States v. Stevens</i></b>		

**DISCUSS:** *Does the Supreme Court agree to take on the most important cases in the U.S. today?*



## ***A- Ricci v. DeStefano***

The City of New Haven, Connecticut administered a civil service examination for fire department promotions. The exam produced racially disproportionate results, favoring white candidates over black candidates. *(the pass rate for black candidates was approximately half that of the corresponding rate for white candidates)*. As a result, New Haven ultimately did not certify the examination(it was thrown out). Ricci and other candidates who scored higher on the examination and thus were eligible for promotion sued New Haven, claiming racial discrimination against the higher scoring candidates. The district court granted summary judgment for New Haven, and the Second Circuit affirmed. Ricci and the other petitioners claim New Haven discriminated against them on the basis of race in violation of the Equal Protection Clause

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***Explain.***

***2. Assuming this case DID make it to the court, what do you believe their decision would have been? Why?***

## **B- Forest Grove School District v. T.A.**

*(T.A. are the initials of a student's name kept confidential)*

In 2003, T.A., a former student in the Forest Grove School District, sought to be evaluated for suspected learning disabilities. In 2004, the Office of Administrative Hearings for the State of Oregon determined that T.A. was disabled and eligible for special education under the Individual with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973. As T.A. was no longer enrolled in the Forest Grove School District, but attending private school, the hearing officer ordered the school district to reimburse T.A. for the private school tuition (\$5,200 per month), determining it had failed to offer him a free and appropriate public education. The School District tried to appeal the case unsuccessfully and then took their case to the Supreme Court.

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***Explain.***

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## **C- Florida v. Rabb**

Police received a tip that James Rabb was growing marijuana in his home. They pulled him over for a traffic violation and found him in possession of a small amount of marijuana and some books about growing pot, then went to his home and had a drug dog sniff the exterior. The dog alerted, and the police used that alert as the basis for a search warrant. A subsequent search found a grow operation, and Rabb was charged on that basis. A Florida appeals court threw out Rabb's conviction, arguing that the drug dog sniff of a home amounted to an unconstitutional invasion of privacy. Last year, the state of Florida appealed to the US Supreme Court, and the high court ordered the appeals court to reconsider its decision in the wake of the Supreme Court's 2005 drug dog search ruling in *Illinois v. Caballes*, where the court approved the constitutionality of drug dog sniffs during traffic stops.

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***Explain.***

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## **D- Pietrangelo v. Gates**

The case was filed by James E. Pietrangelo II, a former Army captain who was discharged from the military for being gay. The policy at the time was “Don’t ask, don’t tell”. In other words, as long as you keep your sexuality to yourself, the government cannot ask you to disclose your sexual preferences). Pietrangelo was originally part of a group of 12 plaintiffs who were dismissed under the policy because of their sexual orientation. The U.S. Court of Appeals for the 1st Circuit in Boston rejected their suit last year.

Pietrangelo appealed to the Supreme Court on his own, while most of the other plaintiffs asked the court to not to review the case, preferring to allow the Obama administration to deal with the issue and make changes to the current policies toward gays in the military.

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# **E- United States v. Stevens**

Robert Stevens was convicted in a Pennsylvania federal district court for "knowingly selling depictions of animal cruelty with the intention of placing those depictions in interstate commerce for commercial gain." His conviction stems from an investigation into the selling of videos related to illegal dog fighting. Mr. Stevens appealed his conviction arguing that the law he broke was unconstitutional because it violated the Free Speech Clause of the First Amendment. The appeals court reasoned that the dog fighting videos he sold were protected speech and that the code he violated did not serve a compelling governmental interest. The Court will consider whether this code is, in fact, unconstitutional under the Free Speech Clause of the First Amendment.

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***Explain.***

***2. Assuming this case DID make it to the court, what do you believe their decision would have been? Why?***

## **F- Raham v. Florida**

When Terrence Graham was 16 years old he was convicted of armed burglary and attempted armed robbery. He served a 12 month sentence and was released. Six months later Mr. Graham was tried and convicted by a Florida state court of armed home robbery and sentenced to life in prison without parole. On appeal, he argued that the imposition of a life sentence without parole on a juvenile violated the Eighth Amendment and constituted cruel and unusual punishment. The Court will consider whether the imposition of a life sentence without parole on a juvenile convicted of a non-homicidal offense violates the Eighth Amendment's prohibition of "cruel and unusual punishment."

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