

**PHI 234/POL312 – PHILOSOPHY OF LAW/JURISPRUDENCE – SPRING 2016**

**MARCELLO DI BELLO – LEHMAN COLLEGE, CUNY**

**PASS/FAIL ASSIGNMENT – DUE FEB 17**

Read either *Tennessee Valley Authority v. Hill* (1978) [*topic*: environmental law] or *DeBoer v. Snyder* (6th Circuit 2014) [*topic*: gay marriage ban], and write a 1-2 page note about the case, divided in sections (a) through (f) as described below:

- (a) The facts of the case
- (b) The question at issue about which the court was asked to decide
- (c) The law applying to the facts of the case
- (d) The decision of the court's majority, i.e. how it answered the question at issue
- (e) The motivations/reasons that the majority offered in support of the decision
- (f) If a judge in the court dissented from the majority, the reasons for the dissent

**NB** *Parts (e) and (f) should occupy most of the assignment. Make sure you reconstruct the arguments of the court and of the dissenting judge with as much precision as possible.*

**Illustration** Let's consider a simple hypothetical example. This is a made-up case, but it should give you a sense of what I mean by items (a) through (f).

**FACTS:** John Smith drove his motorized tricycle through a public park and a police officer fined him. John contested the officer's fine and the case went to court.

**QUESTION:** Was John Smith allowed to drive his motorized tricycle in a public park?

**LAW:** City law states that motorized four-wheel vehicles aren't allowed in public parks.

**DECISION:** The court ruled that Smith's tricycle was not allowed in the public park.

**MOTIVATION:** The court's motivation was that by the expression "four-wheel vehicle" the legislators meant any motor vehicle with three or more wheels; the law did not mention motorized tricycles explicitly because the latter are rare nowadays.

**DISSENT:** One dissenting judge argued that a tricycle is not a four-wheel vehicle and therefore the prohibition cannot apply to tricycles. The dissenting judge further argued that tricycles are more similar to motorized two wheelers (which are allowed in public parks according to city law) than to four wheel vehicles (which are clearly not allowed).