

What's at Stake?

Preview of US Supreme Court 2018-2019 Term

The US Supreme Court began its term on October 1, and Justice Brett Kavanaugh joined the bench on October 9 after a bitter and partisan confirmation battle. In addition to his opinions, NCJW will be monitoring Justice Kavanaugh's questions during oral arguments, as they will reveal a lot about his judicial philosophy. And, while the cases that the Supreme Court has taken so far don't seem to amount to a "blockbuster" term, there are currently 13 cases on abortion rights □ 4 limiting access to Planned Parenthood and 3 on the ACA birth control benefit □ making their way through the lower courts that may eventually reach the high court. Below are some of the cases that the Court will hear this term that NCJW is watching closely.

Immigration

Nielsen v. Preap

The Supreme Court will consider the extent of the federal government's power to detain immigrants for deportation who have served time for criminal acts. In this case, three lawful permanent residents filed a class action for habeas relief in the US District Court for the Northern District of California after they had been taken into custody and detained by immigration authorities years after they had completed their criminal sentences. A three judge panel in the Ninth Circuit ruled that if the immigrant is not held by the Department of Homeland Security immediately upon release then they are exempt from mandatory detention. It was found that the use of the word 'when...released' in the statute implied immediacy. The federal government argues that 'when' means any time after release, whether that is weeks, months or years. The Supreme Court will determine whether an immigrant who is released from criminal custody and not immediately taken into custody by the Department of Homeland Security is exempt from mandatory detention under the Immigration and Nationality Act.

Oral Argument: October 10, 2018

Why We're Watching: NCJW supports due process for immigrants. If overturned, this ruling would enable immigrants to be detained by the Department of Homeland Security indefinitely while they wait for deportation proceedings regardless of when they committed and served time for their crimes.

Criminal Justice

Madison v. Alabama

Consistent with past cases which deal with whether a state may execute a prisoner with mental disabilities, this case considers whether a state may execute a prisoner whose mental disabilities leave him unable to remember the capital offense and unable to understand the circumstances of his execution. The prisoner in question, Vernon Madison, has dementia and is blind, unable to walk, and speaks with slurred speech as a result of a series of strokes. The Supreme Court stayed his execution in January 2018 and now will hear his petition for review.

Oral Argument: October 2, 2018

Why We're Watching: While the US Supreme Court has already banned the death penalty for prisoners with intellectual disabilities, this case will examine whether those who no longer remember the crime due to dementia may be sentenced to death. NCJW supports the abolition of the death penalty.

Anti-Discrimination

Mount Lemmon Fire District v. Guido

When John Guido and Dennis Rankin were terminated from their employment with the Mt. Lemmon Fire District in Arizona they were the oldest employees. They filed age discrimination charges with the Equal Employment Opportunity Commission which found reasonable cause that the Fire District was in violation of the federal Age Discrimination in Employment Act (ADEA). The Fire District maintained that they were too small to be covered based on the 25-employee threshold that applies to private employers. The Ninth Circuit ruled that as a political subdivision of the state, the Fire District and all other subdivisions fall under the ADEA regardless of size. Four other federal circuit courts disagree. The Supreme Court will consider the case.

Oral Argument: October 1, 2018

Why We're Watching: NCJW opposes discrimination on the basis of age, among other categories, and is concerned about whether the Supreme Court will narrow the application of the ADEA which would leave many workers unprotected.