

In response to the need for additional toxic waste landfills in a state, the state's legislature enacted a law authorizing a state agency to establish five new state-owned and state-operated toxic waste landfills. The law provided that the agency would decide the locations and sizes of the landfills after an investigation of all potential sites and a determination that the particular sites chosen would not endanger public health and would be consistent with the public welfare.

A community in the state was scheduled for inspection by the agency as a potential toxic waste landfill site. Because the community's residents obtained most of their drinking water from an aquifer that ran under the entire community, a citizens' group, made up of residents of that community, sued the appropriate officials of the agency in federal court. The group sought a declaratory judgment that selecting their community as the site of a toxic waste landfill would be unconstitutional and an injunction preventing the agency from doing so. The agency officials moved to dismiss.

Which of the following is the most appropriate basis for the court to dismiss this suit?

- A. The case is not ripe for a decision on the merits.
- B. The case presents a nonjusticiable political question.
- C. The Eleventh Amendment bars suits of this kind in the federal courts.
- D. The interest of the state in obtaining suitable sites for toxic waste landfills is sufficiently compelling to justify the selection of the community as a location for such a facility.

Explanation:

Justiciability

(suitability for judicial resolution)

Case or controversy

Prohibits advisory opinions under three doctrines:

- Standing – plaintiff must allege injury-in-fact caused by challenged action & redressable by remedy sought
- Ripeness – claim must present actual controversy involving past injury or present threat of injury
- Mootness – claim must be unresolved

Adequate & independent state grounds

SCOTUS cannot review final state court judgment that rests on adequate & independent state grounds

Political question

Court cannot hear case if issue presented:

- is reserved for executive/legislative branches *or*
- lacks judicially manageable standards for resolution

SCOTUS = Supreme Court of the United States.

A suit may only be heard by a **federal court** if it is **justiciable**. A suit is justiciable if it presents an **actual case or controversy** that is ripe for (and capable of) judicial resolution—ie, when the plaintiff has suffered **actual harm or an imminent threat of harm**. Therefore, a suit based on **potential harm (unripe)** or harm that is **no longer capable of judicial resolution (moot)** should be dismissed.

Here, the group sued to prevent agency officials from selecting its community as a toxic waste landfill site. But the suit is based on potential—not actual or imminent—harm since the agency is still investigating where to place these landfills. Therefore, the most appropriate basis to dismiss this suit is that it is not ripe for a decision on the merits. But the group's claim may become justiciable and can be re-filed in federal court if its community is later selected as a landfill site.

(Choice B) The political-question doctrine prohibits federal courts from hearing cases that present issues that (1) are reserved for the executive or legislative branch *or* (2) lack judicially manageable standards for resolution. But since federal courts often determine the constitutionality of state laws, this doctrine is not a basis for dismissal.

(Choice C) The **Eleventh Amendment** generally bars private parties and foreign governments from suing a *state* in federal court for monetary relief. But it does not bar suits against *state officials* for declaratory or injunctive relief (as seen here).

(Choice D) Federal courts can only determine the merits of a suit—eg, whether a government action is necessary to serve a compelling government interest (strict scrutiny)—if that suit is justiciable. And since this suit is not ripe for judicial resolution, the court cannot determine the merits of the group's claim.

Educational objective:

To be justiciable, a suit must present an actual case or controversy. This occurs when the plaintiff has suffered actual harm or an imminent threat thereof—not a mere possibility of harm.

References

- U.S. Const. art. III, § 2 (case or controversy requirement).
- *Abbot Labs. v. Gardner*, 387 U.S. 136, 148 (1967) (stating that federal courts cannot adjudicate unripe suits).

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