

THE SUPREME COURT

Discussion Guide



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The SUPREME COURT DVD is available through www.ambrosevideo.com

The companion book to the series, *The Supreme Court*, by Jeffrey Rosen, published by Times Books, is available January 2007 for \$25 wherever books are sold.

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New York Life Insurance Company
51 Madison Avenue
New York, NY 10010

The Company You Keep®

Dear Educator:

New York Life is proud to be the sole corporate sponsor of *The Supreme Court*, a Thirteen/WNET production airing on PBS stations nationwide. This is the first major television series that explores the history of how the Court shapes American law and American life. We believe this program will help viewers better understand the role and responsibilities of our nation's highest judicial body.

This is the fourth time New York Life has partnered with Thirteen/WNET to develop original programming which sheds new light on issues of historical significance. Past programs include *The American President*, *The Rise and Fall of Jim Crow* and the Emmy award winning series *Slavery and the Making of America*.

To extend the value of *The Supreme Court* series, New York Life is sponsoring (as we have for all our previous public television partnerships) an outreach to schools that includes a dedicated educator's Web site: www.historyofsupremecourt.org. This valuable resource includes original essays, a timeline, lesson plans, and other materials designed to be incorporated into existing social studies curriculums.

We hope you and your students enjoy the series and gain a renewed appreciation for one of the great pillars of American democracy.

New York Life

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HOW TO USE THIS GUIDE

THE SUPREME COURT is a public television series that explores the history of this fundamental American institution and goes behind the scenes to reveal the temperaments, personal beliefs and experiences of some of its most significant Justices. It tells the dramatic stories of the people whose cases have come before the Court and focuses on many of the controversial rulings that have had an impact on all Americans.

The series charts the Court’s unique evolution, using archival footage and innovative graphic techniques to help audiences grasp complex legal concepts. Interviews with some of the greatest legal minds in the country as well as exclusive access to the Court help personalize the Justices while providing context to key decisions and hotly contested issues of the day.

This discussion guide is designed to be used with the enclosed DVD and/or a tape of the broadcast series in grades 9-12 social studies classes, as well as in afterschool programs and informal educational settings. The DVD includes individual segments from the four programs in the series. The first four pages include DVD segment descriptions, discussion questions and activities. The subsequent pages are intended to be photocopied and distributed to students in class — an essay called “Why the Supreme Court Matters — To You!” and discussions about how the court’s rulings have had an impact on a typical teenager’s morning, afternoon and evening. Student activities may be adapted to other grade levels.

BROADCAST

THE SUPREME COURT will be broadcast nationally on PBS stations on January 31 and February 7, 2007 from 9 pm to 11 pm. However, broadcast times and dates may vary in some areas, so please check your local TV listings.

VIDEOTAPING RIGHTS

You have the right to tape the programs and play them for instructional purposes for one year after they are broadcast.

ON THE WEB

Check out additional SUPREME COURT information and activities on the Web at www.pbs.org/supremecourt.

STRATEGIES FOR USING THE PROGRAMS AND THE DVD

Video is most effective when used interactively, rather than passively, in class discussion. Consider using some of the following strategies when planning lessons or discussions based on THE SUPREME COURT:

1. **Preview the DVD and review your lesson plans** to determine suitability for your objectives and your students.
2. **Select program segments** that are directly relevant to your topic and appropriate for your class. The enclosed DVD includes segments from each program. While you have the right to tape the entire program and show it in class for one year after broadcast, a few well-chosen minutes may be more effective in illuminating your topic.
3. **Provide a focus for interaction** — choose part of the segment for students to watch out or listen for in the chosen segment. This assures that students will focus together on information most relevant to your topic.
4. Don’t be afraid to **pause the program or to replay the segment** to underscore or clarify a point.

When you’ve decided on the program or segments you’d like to cover with your class, **review the corresponding section of this guide, obtain any materials needed for in-class activities and/or photocopy the student activities** you’ll be handing out in class.

THE SUPREME COURT

One Nation Under Law

Broadcast date: January 31, 2007

Overview

BETWEEN THE BIRTH of the Republic and the Civil War, the Supreme Court discovered its purpose and its fallibility. In *Marbury v. Madison* (1803), Chief Justice John Marshall asserted the power of judicial review and established the Court's purpose. Fifty-four years later, Marshall's successor, Chief Justice Roger Taney, exercised that power in *Dred Scott v. Sandford* (1857) to protect slavery and leave the fate of the Union to armies on the battlefield.

Themes

DVD Segment 1: Partisan Politics

The early republic's politics are raw and partisan. Outgoing President John Adams packs the courts with Federalist judges and sets the stage for a constitutional crisis.

DVD Segment 2: *Marbury v. Madison* and Judicial Review

Chief Justice John Marshall lectures President Jefferson on the rule of law and establishes the Court as the primary interpreter of the Constitution.

DVD Segment 3: The Infamy of the *Dred Scott* Decision

The Supreme Court puts the Constitution squarely on the side of slavery, ruling that Congress cannot prohibit it in the new territories and further, that African Americans are not and never can be citizens of the United States. The decision solved nothing and moved the nation closer to civil war.

Discussion Questions

1. Do you think judges should take an active role in politics, as Justice Samuel Chase did in the election of 1800? Why or why not?
2. Why was the establishment of judicial review important to the concept of checks and balances?
3. What impact did the *Dred Scott* decision have on Congress's efforts to find compromise and avoid war? What impact did it have on slaves and free blacks?

Activities

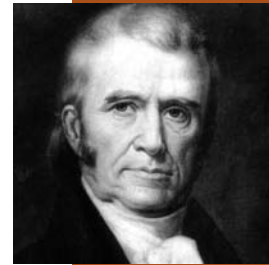
- **Research** the election of 1800 and the depth of partisan politics that prevailed. Identify the issues and negative campaigning techniques used in this election.

Create campaign posters that illustrate these issues and techniques.

- **Analyze** a few other pre-Civil War cases in which the Court exercised judicial review, such as *McCulloch v. Maryland* (1819) and *Gibbons v. Ogden* (1824). Create a chart that summarizes each case, identifies how the Court imposed judicial review, and explains the constitutional reasons why. Then write an editorial either defending or criticizing the Court's power of judicial review.

John Marshall (1755-1835)

John Marshall's early life intertwined with events that forged the United States of America. He served under General George Washington at Valley Forge, where he saw firsthand the indifference of the states toward the common goals of the Union. The experience made



him an ardent Federalist, supporting a strong central government. While serving as Secretary of State, Marshall was nominated by President John Adams to be chief justice of the Supreme Court. In his 34 years as chief justice, Marshall helped define the authority of the Court as a co-equal branch of government. In *Marbury v. Madison* (1803), he established the Court's power of judicial review: the power to declare acts of Congress invalid if found in conflict with the Constitution. Marshall's later rulings — e.g. in *Dartmouth College v. Woodward* (1819); *McCulloch v. Maryland* (1819) and *Gibbons v. Ogden* (1824) — gave Congress the power to promote national capitalism and limited the power of the states to interfere with its development.

Program One



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A New Kind of Justice

Broadcast date: January 31, 2007

Overview

THE ORIGINAL INTENT behind the Fourteenth Amendment was to protect and advance the civil rights of the newly freed slaves. However, the late 19th Century Supreme Court weakened the civil rights potential of the amendment, while at the same time using it to further the interests of big business. Several justices made their mark on the Court's rulings in either affirming or opposing the Court's decisions. After 70 years of unbridled economic growth, the wheels of American industry were ground to a halt in the Great Depression. As a result of the Court battle of 1937, the Court begins to uphold relief and reform measures passed by Congress and the states to deal with the crisis.

Themes

DVD Segment 1: The Two Faces of the Fourteenth Amendment

Originally, the Fourteenth Amendment established equal protection and due process for all citizens. As the country's attention turns from Reconstruction to industrial revolution, the Court rules to protect big business from government regulation.

DVD Segment 2: The Power of Judicial Dissent

Dissenting opinions on the Court assume new significance in the late 19th and early 20th centuries – such as Justice Field's dissent in *Munn v. Illinois* (1877); Justice Harlan's dissent in *Plessy v. Ferguson* (1896); and Justice Holmes's dissent in *Lochner v. New York* (1905).

DVD Segment 3: The Supremacy of Liberty of Contract

The Court devises the "liberty of contract" doctrine and creates a new vision of the Fourteenth Amendment that keeps government out of efforts to reform labor-management relations.

DVD Segment 4: The Living Constitution: New Law for New Times

Leaving behind decades of precedents, the Court acknowledges the legitimate role of government in regulating some aspects of the economy and aiding people marginalized by the social and economic developments of modern times.

Discussion Questions

1. What rights are enumerated in the text of the Fourteenth Amendment? How does this further the ideals of democracy?
2. How did Court's decision in the Civil Rights Cases (1883) change the interpretation of the Fourteenth Amendment?
3. How did Justice John Marshall Harlan's past prepare him to write the dissenting opinion in the Civil Rights Cases? Why is this dissent important?
4. How do dissenting opinions help Congress shape new laws? How might they affect future Supreme Court decisions?
5. Evaluate the benefits and costs of the Court's "liberty of contract" doctrine.
6. Why do you think the Court changed its view of the "liberty of contract" doctrine in *West Coast Hotel v. Parrish* (1937)? Do you feel this change was the right move for the Court? Why or why not?

Activity

- **Conduct** a panel discussion with supporters of the "liberty of contract" doctrine on one side and supporters of the rights of workers on the other. Show how in each case the Fourteenth Amendment is intended to help each side.

John Marshall Harlan (1833-1911)

John Marshall Harlan was born into a prominent slaveholding family from Kentucky. He opposed the Civil War Amendments, but supported the Union and served in the Union army. A strong supporter of Rutherford B. Hayes's bid for the presidency, Harlan was selected by Hayes to serve on the Supreme Court in 1877. As the Court narrowed the civil rights reach of the Fourteenth Amendment, Harlan became a strong voice of dissent. In *Plessy v. Ferguson* (1896) he wrote, "... there is no superior, dominant, ruling class of citizens... Our Constitution is colorblind." Harlan established the importance of dissent as a tool for future jurists to review and reconsider interpretations of the Constitution. His legacy is that in time, the Court saw the purpose of the Fourteenth Amendment as applicable to the states in securing for all citizens the protections of the Constitution and the Bill of Rights.



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program two

THE SUPREME COURT

A Nation of Liberties

Broadcast date: February 7, 2007

Program three

Overview

In the years that followed World War II, the United States faced Cold War tensions abroad and social upheaval at home. Its institutions wrestled with the meanings of freedom of conscience, “separate but equal” and equal justice under the law. The Supreme Court was placed in the position of making constitutional sense of these issues. In a series of cases, the Court moved cautiously but steadily to establish new constitutional meaning behind the power of the state and the rights of the individual.

Themes

DVD Segment 1: An Unlikely Champion of Individual Liberties

Hugo Black rises from simple origins to become a U.S. Senator. Noting his support for New Deal policies, President Roosevelt selects him for the Supreme Court.

DVD Segment 2: Separate but Equal Has No Place in the Constitution

The Supreme Court confronts segregation’s bastion, the public school system. It reverses 58 years of “separate but equal” policy, ruling that separate can never be equal.

DVD Segment 3: Poor People Deserve Due Process

The phrase “Equal Justice Under the Law” graces the Supreme Court’s entrance but in practice, not the nation’s system of justice. In sweeping decisions, the Court establishes protections against self-incrimination and guarantees assistance of counsel for those who can’t afford it.

Discussion Questions

1. How did World War II help redefine the United State’s image in the world?
2. Why would Hugo Black’s background make him an unlikely champion of civil rights? Why do you think Hugo Black was a Ku Klux Klan member at one time?
3. Why did Chief Justice Warren feel a unanimous decision was essential in *Brown v. Board of Education* (1954)? What was the Court’s biggest challenge in announcing its decision?
4. Explain the rights granted in the *Gideon v. Wainwright* (1963) and *Miranda v. Arizona* (1966) cases. What benefits and concerns arise from these decisions?

Hugo Black (1886-1971)

Hugo Black had little formal education, but in his youth he frequented the local court house and soon found his calling. In Birmingham, Alabama, he made his name as a skilled trial lawyer and a prosecutor known for both his effectiveness and his fairness to all he dealt with regardless



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of race. He was soon elected to the U.S. Senate and gained a reputation as an ardent supporter of New Deal policies. President Roosevelt selected Black to be on the Supreme Court in 1937 despite his past membership in the Ku Klux Klan. He strongly believed in a literal interpretation of the Constitution and the Bill of Rights. It was difficult to characterize Black as liberal or conservative as he voted to strengthen civil rights and liberties, but dissented in cases to expand the right to privacy and abolish the death penalty. In his 34 years on the Court, he participated in many landmark cases that brought new meaning to equal justice under the law.

Activity

- **From 1940 to 1972**, the Supreme Court expanded the meaning of civil rights and civil liberties. Use the library and the Internet to research Court decisions made during this time that involved issues such as saluting the flag, school busing, self-incrimination, right to counsel, and others. Develop “on the scene” news reports of each Court decision complete with a brief history of the case, interviews with supporters and detractors, and an analysis on the impact of the decisions.



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The Rehnquist Revolution

Broadcast date: February 7, 2007

Overview

This program examines the attempt to reverse many of the Warren Court decisions. During the Nixon and Reagan administrations, judicial appointments reshaped the Court into what was believed to be a judicial phalanx for conservative causes. It didn't quite go that way, as the newly appointed justices often proved to be more independent than ideological. Their decisions on abortion, gun control, and the rights of the accused were grounded in the Constitutional principles of separation of power and states' rights rather than political agendas.

Themes

DVD Segment 1: Bringing Back Law and Order

Richard Nixon begins to restructure the Court with justices who would renounce the Warren Court decisions. One of his selections, William Rehnquist, has the credentials needed to help reform the Court.

DVD Segment 2: Abortion and Privacy

The Court rules a woman's decision regarding abortion is between the woman and her doctor, not the state. *Roe v. Wade* (1973) becomes the law of the land, sparking social controversy and political activism on the part of both liberals and conservatives.

DVD Segment 3: Maintaining Judicial Supremacy

Justice Rehnquist leads the Court in striking down federal laws on gun control and attempting to limit the constitutional protections previously afforded defendants in the *Miranda v. Arizona* (1966) decision. While seeking to revise the liberal doctrines of the Warren Court however he also consistently supports the broad interpretive authority of the Court.

Discussion Questions

1. Why do you think President Nixon felt he needed to "revolutionize" the Supreme Court?
2. Why was William Rehnquist a good choice to lead this conservative revolution?
3. On what constitutional principle is *Roe v. Wade* (1973) based? Explain the legal controversy surrounding this case.
4. Why might pro-gun advocates support the *United States v. Lopez* (1994) decision? What does the Court really say about government's power to ban gun possession?
5. Why was the Court's decision in *Dickerson v. United States* (2000) such a surprise? On what constitutional principle did Chief Justice Rehnquist base his decision?

Activities

- **Develop** resumes for several fictitious Supreme Court justices covering the nominees' education, legal experience, and abilities. For ideas review the biographies of the current Supreme Court justices.
- **Brainstorm** several controversial issues heard by the Supreme Court in the past forty years (examples: abortion, death penalty, flag burning). Develop a survey asking fellow students and/or community members for their views on these issues. Then research the Court's decisions on each. Write an essay that compares the Court's decisions with the views of the survey.

William Rehnquist (1924-2005)

In appearance, William Rehnquist might have seemed an unlikely candidate to lead a conservative revolution. He was a somewhat flamboyant dresser, wearing pink shirts and long hair, but his legal credentials made him a perfect choice to help reverse several Warren Court decisions. Early in his days as a lawyer in Phoenix, Arizona he was aligned with a conservative wing of the Republican Party and wrote a speech denouncing the liberalism of the Warren Court. He was chosen to work with the Nixon administration on matters ranging from wiretapping to rights of the accused. Though not well known outside of government, Rehnquist was appointed by President Nixon to the Supreme Court to rule according to the letter of the Constitution. But as with many Supreme Court appointments, Justice Rehnquist did not serve a completely predictable political agenda. Instead he strengthened the role of states as central players in Constitutional issues and re-established judicial supremacy. For all of his receptivity to change, he worked effectively to maintain the authority and traditions of the Court.

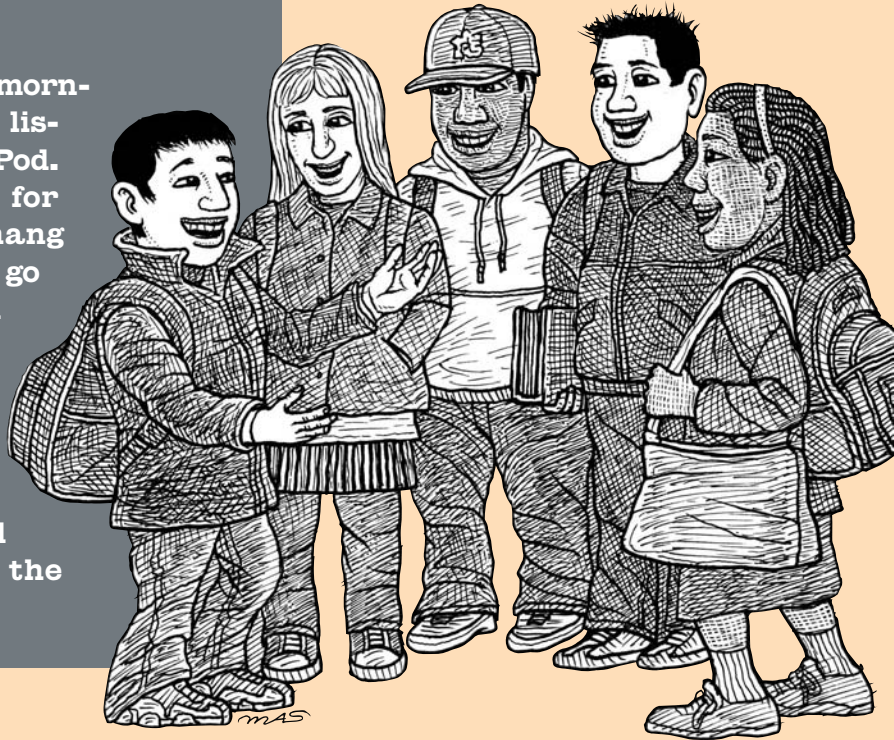


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program four

MORNING

You wake up in the morning, get dressed, and listen to music on your iPod. You get on the bus for school, where you hang out with classmates, go to homeroom, and pledge allegiance to the flag of the U.S.A. Did you know all of your activities, and many more, are influenced by the decisions of the U.S. Supreme Court?



Mark Alan Stamaty

Brown v. Board of Education and After

When you arrive at school, you see the diverse faces of your fellow students — white, African-American, Asian, Hispanic, and/or from many parts of the world. Much of this diversity is the result of *Brown v. Board of Education* (1954). In this famous decision, the Supreme Court held that state laws providing for racially segregated schools violated the Constitution — in particular, the Fourteenth Amendment’s guarantee that states may not deny to any person “the equal protection of the laws.” The Court said that the separate schools blacks and whites were forced to attend were “inherently unequal.” The resources provided to black schools were inferior, and black and white students were denied the opportunity to learn together.

But schools did not immediately change; this decision challenged some of the basic attitudes of Americans at the time. Not until Congress passed the Civil Rights Act of 1964 and other laws that cut off federal funding for segregated schools did integration move forward. Today, some public schools throughout the country have little racial diversity. This is not the result of laws, but of the choices that people make — or are forced by poverty to make — about where to live.

Other Things You Do

Schools have dress codes, but students may wear clothes that express political views (*Tinker v. Des Moines*, 1969). You have to pay 99 cents for each

song downloaded to your iPod, so as to fairly compensate producers and artists for their copyrighted material (*MGM v. Grokster*, 2005). Your bus takes you to a school within your district, not to another school district far away for the sole purpose of integration (*Milliken v. Bradley*, 1974). Your school day begins with the pledge of allegiance, but you are not required to stand, salute the flag, or recite the pledge (*West Virginia v. Barnette*, 1943).

Activity

Interview a parent or grandparent about what kind of school s/he attended. Ask when the family member attended, where, and whether the school was public or private. Was the school integrated or segregated? If the school was integrated, how did students from different races get along? Did students respect and learn from one another? If it was segregated, how did they feel about this? Write up your interview in a one-page report. Be prepared to share your report in small groups or before the entire class.

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Mark Alan Stamaty



1963) in school classrooms are unconstitutional. Similarly, most displays of religious symbols by the government, such as the Ten Commandments, violate the Constitution, if their intent or effect is to promote religion. Of course, individuals may usually display symbols of their faith, a right protected by the First Amendment's "free exercise" clause.

AFTERNOON

You eat lunch at school and then go to science and social studies classes. You are called to the principal's office, where you and your backpack are searched. After classes, you write stories for the school newspaper and attend, or play in, the varsity football game. The Supreme Court has decided cases that affect all of these activities, too.

Santa Fe v. Doe and Prayers

As you arrive for the school football game, the band plays the national anthem. But the fans will not be asked to recite a prayer. In Santa Fe, Texas, a student was typically elected by fellow students to lead a prayer over the public address system before each football game. Students of Mormon, Catholic and other faiths protested this practice and filed a lawsuit. In *Santa Fe Independent School District v. Doe* (2000), the U.S. Supreme Court held that student-led prayer at football games violated the First Amendment — the "establishment clause" that forbids the government from sponsoring religion. The Court reasoned that students, including band members or cheerleaders required to attend the game, would feel pressure to join the prayer.

This case is part of a larger story about the proper role of religion in American society. Since the 1960s, the Supreme Court has repeatedly said that prayers (*Engle v. Vitale*, 1962) and devotional bible reading (*Abington Township v. Schempp*,

Other Things You Do

States can't require schools to teach alternatives to the scientific theory of evolution, such as creation science, designed to promote religious viewpoints (*Edwards v. Aguillard*, 1987). Schools may search you and your belongings, if officials have a reasonable suspicion of wrongdoing (*New Jersey v. T.L.O.*, 1985). This is a lower standard than "probable cause" which is generally required before the police may conduct a search. Before students may be suspended from school, you must be given notice of the alleged violations and a fair hearing (*Goss v. Lopez*, 1975). Schools have a right to control the content of student newspapers to maintain the school's high standards and protect "immature audiences" (*Hazelwood v. Kuhlmeier*, 1988). If you participate in athletics or other extracurricular activities, your school can require you to submit to random drug testing (*Vernonia v. Acton*, 1995 and *Board of Education v. Earls*, 2002).

Activity

Conduct an inventory of religious signs and symbols in your city or town, utilizing pen, paper, and (where available) a camera. Pay special attention to government buildings and public property, as well as to your school. Think about seasons of the year, such as the winter holidays, when special religious reminders such as holiday lights, Christmas trees, menorahs, and other artifacts might be displayed. Keep a written journal of your findings and impressions and bring them to class for discussion and display.

EVENING

You come home from school, use the Internet to search for information on your social studies project, and then watch television, work at a part-time job, go to a Boy Scout or Girl Scout program, or hang out with friends on the street. Supreme Court decisions affect these activities, too.

***Reno v. A.C.L.U.* and the Internet**

When you search the Internet for homework and pleasure, consider the benefits along with the potential dangers that worry parents and lawmakers. In 1996, Congress passed the Communications Decency Act (CDA), which outlawed the distribution of “obscene, indecent, or patently offensive” materials over the Internet to children under 18. On behalf of journalists and others, the American Civil Liberties Union challenged the CDA. In *Reno v. A.C.L.U.* (1997), the Supreme Court declared the law unconstitutional, because it restricted types of speech protected by the First Amendment (only obscenity and pornography are not protected). The Court said the law suppressed speech that adults have the right to send and receive.

But Congress was not satisfied and in 1998 it passed the Children’s Online Protection Act. This law required criminal penalties for commercial Web sites displaying sexually explicit material that could be viewed by children under 17. More legal challenges came, and in *Ashcroft v. A.C.L.U.* (2004) the Supreme Court said that this law was a “likely” violation of the First Amendment. The Court recommended that parents take the lead in trying to protect children from offensive materials on the Internet, just as it encouraged libraries to do through the use of software filters (*U.S. v. American Library Association*, 2003).

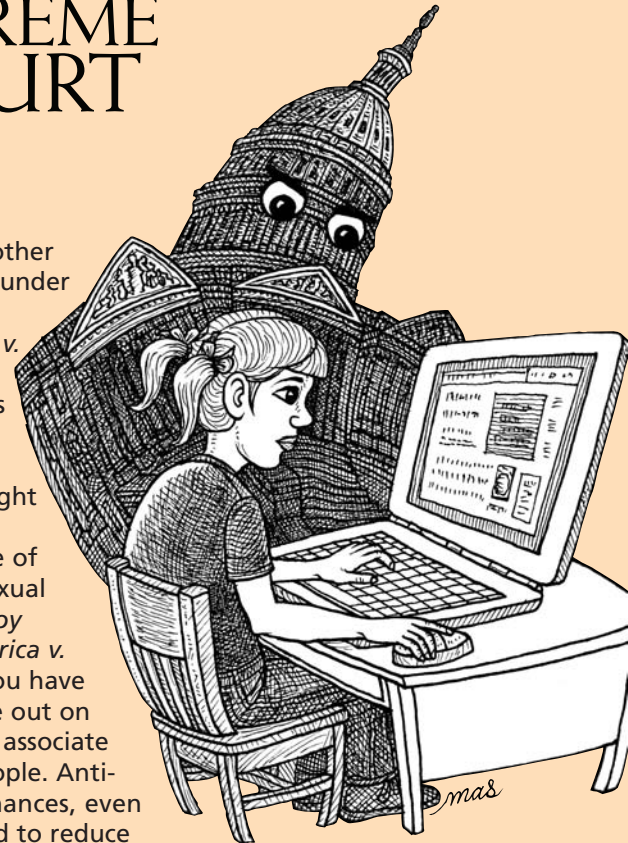
Other Things You Do

The Federal Communications Commission regulates what you hear on the radio or watch on network television, to prevent the broadcast of indecent or profane programs likely to reach children (*FCC v. Pacifica Foundation*, 1978). The government can pass laws limiting the hours

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that you and other young people under 18 may work (*United States v. Darby*, 1941).

The Boy Scouts are a private organization that has the right to fire a scout leader because of the leader’s sexual orientation (*Boy Scouts of America v. Dale*, 2000). You have the right to be out on the street and associate with other people. Anti-loitering ordinances, even those designed to reduce gang activity, are unconstitutional (*Chicago v. Morales*, 1999). However, states may pass night curfew laws for children under 18, so long as there are exceptions for working and exercising political expression protected by the First Amendment (the Supreme Court has declined to review curfew challenges).



Mark Alan Stamaty

Activity

Check out the policies and practices of your school, local library, and your parents regarding the use of the Internet by young people under 18. What restrictions, if any, are placed on access or Internet use? Are there different policies for elementary school children and high school students? In your experience, how effectively are these policies enforced? Write up a revised, one-page set of guidelines for Internet use at your school or library that considers these issues as well as your own views.

ORGANIZATIONS

American Bar Association
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WEB SITES

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The History of the Supreme Court
www.historyofsupremecourt.org/home.htm

Justia: U.S. Supreme Court Center
supreme.justia.com

Landmark Supreme Court Cases
www.landmarkcases.org

Legal Information Institute (Cornell University)
www.law.cornell.edu/supct/index.html

Supreme Court of the United States
www.supremecourt.us.gov/index.html

BOOKS

Epps, Garrett. *Democracy Reborn: The Fourteenth Amendment and the Fight for Equal Rights in Post-Civil War America*. New York: Henry Holt, 2006.

Grofman, Bernard (Editor). *Legacies of the 1964 Civil Rights Act*. Charlottesville, Va.: The University Press of Virginia, 2000.

Hall, Kermit L. *The Oxford Guide to United States Supreme Court Decisions*. New York: Oxford University Press, 1999.

Hartman, Gary R. et al. *Landmark Supreme Court Cases: The Most Influential Decisions of the Supreme Court of the United States*. New York: Facts on File, 2004.

Hobson, Charles F. *The Great Chief Justice: John Marshall and the Rule of Law*. Lawrence, Kans.: University Press of Kansas, 1996.

Hull, N.E.H. and Peter Charles Hoffer. *Roe V. Wade: The Abortion Rights Controversy in American History*. Chapel Hill, N.C.: University of North Carolina Press, 2004.

Irons, Peter. *A People's History of the Supreme Court: The Men and Women Whose Cases and Decisions Have Shaped Our Constitution*. New York: Penguin Books, 1999.

Ivers, Gregg and Kevin T. McGuire. *Creating Constitutional Change: Clashes over Power and Liberty in the Supreme Court*. Charlottesville, Va.: University of Virginia Press, 2004.

Lewis, Harold S., Jr. and Elizabeth J. Norman. *Civil Rights Law and Practice*. St. Paul, Minn.: West Group, 2004.

Nelson, William Edward. *Marbury V. Madison: The Origins and Legacy of Judicial Review*. Lawrence, Kans.: University Press of Kansas, 2000.

Newmeyer, R. Kent. *John Marshall and the Heroic Age of the Supreme Court*. Baton Rouge: Louisiana State University Press, 2002.

Perry, Michael J. *We The People: The Fourteenth Amendment and the Supreme Court*. New York: Oxford University Press, 1999.

Rehnquist, William H. *The Supreme Court: A New Edition of the Chief Justice's Classic History*. New York: William Morrow, 1987, 2001.

Rosen, Jeffrey. *The Supreme Court*. New York: Times Books, 2007.

Schwartz, Bernard. *A History of the Supreme Court*. New York: Oxford University Press, 1993.

Simon, James F. *Lincoln and Chief Justice Taney: Slavery, Secession, and the President's War Powers*. New York: Simon & Schuster 2006.

Suits, Steve. *Hugo Black of Alabama: How His Roots and Early Career Shaped the Great Champion of the Constitution*. Montgomery, Ala.: NewSouth Books, 2005.

Tushnet, Mark. *A Court Divided: The Rehnquist Court and the Future of Constitutional Law*. New York: W.W. Norton and Co, Inc., 2005.

ARTICLES

Caplan, Jeremy. "The New Front Line in the Abortion Wars." *Time*, February 26, 2006.

Carter, Stephen L. "Disorder in the Court." *The New York Times*, July 3, 2005.

Dell, Kristina. "What 'Brown' Means Today: How 'Brown v. Board of Education' helped change America – and how it didn't." *Time*, May 17, 2004.

Stolberg, Sheryl Gay and Adam Liptak. "Courts in Transition: The Overview." *The New York Times*, September 14, 2005.