

Reflections of America in Supreme Court Cases

Lesson created for Leonore Annenberg Institute for Civics by Linda Weber

SUMMARY

Justice Oliver Wendell Holmes, Jr. once used the metaphor of a “magic mirror” to describe the law because it reflects the assumptions, attitudes, and priorities of each generation. In the mirror of the law, he said, “. . . we see reflected, not only our own lives, but the lives of all men that have been.”

When the Supreme Court interprets the law and makes constitutional decisions, these decisions are a reflection of the society it serves.

“Each case that comes before the [Supreme] Court is a unique slice of American life, not just an abstract legal matter, and the outcomes of these cases tell the story of the nation and its development.” (*The Pursuit of Justice*, pg. 5)

In this lesson, students will look into the “mirror of Supreme Court cases” to identify the controversies and conflicts present in different periods of American history and reflect on the impact of the Supreme Court in shaping America. It is a lesson about roles, responsibilities, and relationships in a constitutional democracy.

Notes and Considerations

- This lesson presumes that students have been introduced to Supreme Court cases and have a basic understanding of legal vocabulary and concepts.
- Due to the specialized nature of the in-class sessions, materials are provided to help students build essential knowledge and understanding before coming to class so they are best prepared to learn.
- Technology is relied on in this lesson to enhance learning by facilitating information access, information gathering, and analysis.
- This is a comprehensive lesson with a variety of resources and activities that can easily be adapted to different teaching styles, length of classes, and levels of students.

Snapshot of Lesson

Grade: Middle School/High School

Subject Focus: Civics/Government

Estimated Time: 2 sessions

Alignment to National Standards for Civics and Government:

- Grades 5-8
- Grades 9-12

Materials/Equipment Needed:

- Paper and pencil
- Colored highlighters
- Computer with Internet connection and projector for class viewing
- Computer lab (recommended)
- Tape or board magnets

Materials and Resources Included:

Resources

- From *The Pursuit of Justice* by Kermit Hall & John Patrick:
 - “Introduction: The Supreme Court as a Mirror of America”
 - “Epilogue: “We are All Slaves of the Law”
- From *Our Constitution* by Donald Ritchie: “Chapter 5: How is the Constitution Interpreted?”
- Glossary of Court-Related Terms
- Where to Obtain Supreme Court Opinions

Student materials

- Class Prep: Assignment Sheet
- Graphic Organizer: Court History Aligned to Periods in U.S. History
- Research Activity: Find Signs of the Times in Supreme Court Cases
- Timeline: Supreme Court Cases in U.S. History

Teacher materials

- Master Timeline: Supreme Court Cases in U.S. History (Teacher’s Resource)
- 10 Historical Timeline Charts
- Essay Rubric

National Standards for Civics and Government

- Standards level detail for grades 5-8, 9-12

TOPICS

- American history
- Conflict resolution under the law
- Constitutional authority
- Constitutional issues
- Court history
- Democratic principles and values
- Rights and responsibilities
- Supreme Court

NATIONAL STANDARDS

Document: *National Standards for Civics and Government* (1994) Center for Civic Education

<http://www.civiced.org/index.php?page=stds>

Grades 5-8 Organizing Questions

The national content standards for civics and government are organized under five significant questions. The following outline lists the high-level organizing questions supported by this lesson.

- I. What are civic life, politics, and government?
 - A. What is civic life? What is politics? What is government? Why are government and politics necessary? What purposes should government serve?
 - B. What are the essential characteristics of limited and unlimited government?
 - C. What are the nature and purposes of constitutions?
 - D. What are alternative ways of organizing constitutional governments?

- II. What are the foundations of the American political system?
 - A. What is the American idea of constitutional government?
 - B. What are the distinctive characteristics of American society?
 - C. What is American political culture?
 - D. What values and principles are basic to American constitutional democracy?

- III. How does the government established by the constitution embody the purposes, values, and principles of American democracy?
 - A. How are power and responsibility distributed, shared, and limited in the government established by the United States Constitution.
 - E. What is the place of law in the American constitutional system?
 - F. How does the American political system provide for choice and opportunities for participation?

- V. What are the roles of the citizen in American democracy?
 - A. What is citizenship?
 - B. What are the rights of citizens?
 - C. What are the responsibilities of citizens?
 - D. What dispositions or traits of character are important to the preservation and improvement of American constitutional democracy?
 - E. How can citizens take part in civic life?

Grades 9-12 Organizing Questions

The national content standards for civics and government are organized under five significant questions. The following outline lists the high-level organizing questions supported by this lesson.

- I. What are civic life, politics, and government?
 - A. What is civic life? What is politics? What is government? Why are government and politics necessary? What purposes should government serve?
 - B. What are the essential characteristics of limited and unlimited government?
 - C. What are the nature and purposes of constitutions?
 - D. What are alternative ways of organizing constitutional governments?

- II. What are the foundations of the American political system?
 - A. What is the American idea of constitutional government?
 - B. What are the distinctive characteristics of American society?
 - C. What is American political culture?
 - D. What values and principles are basic to American constitutional democracy?

- III. How does the government established by the constitution embody the purposes, values, and principles of American democracy?
 - A. How are power and responsibility distributed, shared, and limited in the government established by the United States Constitution?
 - B. How is the national government organized and what does it do?
 - D. What is the place of law in the American constitutional system?
 - E. How does the American political system provide for choice and opportunities for participation?

- V. What are the roles of the citizen in American democracy?
 - A. What is citizenship?
 - B. What are the rights of citizens?
 - C. What are the responsibilities of citizens?
 - D. What civic dispositions or traits of private and public character are important to the preservation and improvement of American constitutional democracy?
 - E. How can citizens take part in civic life?

Note: A more detailed standards-level alignment related to these questions can be found in at the "Standards" section at end of this lesson plan.

OUTCOMES

Knowledge, skills, and dispositions

Students will . . .

1. Describe how society is reflected in and shaped by Supreme Court decisions.
2. Relate Supreme Court decisions made in the past to life in the present.
3. Identify and explain the role and responsibilities of the Supreme Court.
4. Discuss the importance of Constitutional authority and the rule of law in America from the perspective of the Court and the citizen/student.
5. Examine the role of Supreme Court decisions in promoting continuity and change in America.
6. Explain why the use of precedent is important for the Court.
7. When it comes to the courts, explain why it is important for all Americans to exercise certain dispositions or traits of character, adhere to democratic principles and values, and understand and demonstrate personal and civic responsibilities.

Integrated Skills

1. Information literacy skills

Students will . . .

- Analyze primary and secondary sources to gather, organize, and analyze information.
- Use skimming and search skills.
- Make informed decisions.
- Use prior and background knowledge as basis for new learning.
- Use technology as a tool to support learning.

2. Media literacy skills

Students will . . .

- Read, view and listen to information delivered via different media formats in order to make inferences and gather meaning.

3. Communication Skills

Students will . . .

- Write and speak clearly to contribute ideas, information, and express own point of view.
- Write in response to questions.
- Collaborate with others to deepen understanding.

4. Study skills

- Take notes.
- Use graphic organizers.
- Manage time and materials.

5. Thinking skills

Students will . . .

- Think historically
- Analyze cause-and-effect relationships.
- Describe and recall information.
- Make personal connections.
- Draw conclusions.
- Synthesize information.
- Evaluate and judge opinions.
- Use sound reasoning and logic.

6. Problem-solving Skills

Students will . . .

- Explain the legal process for conflict resolution in society.
- Use sound reasoning as the basis for decisions.
- Ask meaningful questions.
- Explain the interconnections within a process that are needed to achieve resolution.

7. Participation Skills

Students will . . .

- Contribute to small and large group discussion.
- Work responsibly both individually and with diverse people.
- Express own beliefs, feelings, and convictions.
- Show initiative and self-direction.

ASSESSMENT

Evidence of achievement may be gathered from student performance related to the following:

1. Class prep assignments
2. Timeline work
3. Essay (Rubric included)

VOCABULARY

Use the glossary included with this lesson to help with other terms as needed

affirmed	federal courts	record
appeals court	jurisdiction	respondent
brief	judge	reverse
case	judgment	rule of law
certiorari	judiciary	state court
chief judge	justice	statue
complaint	law	Supreme Court of the United States
court	majority opinion	trial
defendant	opinion of the court	U.S. court of appeals
dissenting opinion	order	U.S. district court
district court	party	uphold
diversity jurisdiction	petitioner	verdict
docket	plaintiff	writ
evidence	precedent	

Resources for Definitions

- Annenberg Classroom—Student Voices: Glossary
<http://www.student-voices.org/Dictionary.aspx?LocId=1000>
- FactCheckedED—Dictionary
<http://www.factchecked.org/Dictionary.aspx>
- Federal Judicial Center: Inside the Federal Courts—Definitions
<http://www.fjc.gov/federal/courts.nsf>
- Justice Learning—Democracy Glossary
<http://services.justicetalking.org/dg/>
- OYEZ—Glossary of Legal Terms
<http://www.oyez.org/glossary/>
- USA.gov—Definitions
<http://www.usa.gov/Agencies/Federal/Judicial.shtml>
- FindLaw—Law Dictionary
<http://dictionary.lp.findlaw.com/>

LESSON OVERVIEW

Class Prep for Students: Study and Work Before Class

This lesson recommends that students spend time reviewing and studying specific print and Internet resources to build background knowledge and understanding so they are best prepared for class. Therefore, a class prep assignment sheet is provided with the lesson.

Ideally, a single folder with the print resources and materials for before-class preparation should be loaded and made available to the students so they have at least one night to prepare and take notes before class.

Day 1: Court Cases Mirror the Times

Students will conduct Internet research using primary and secondary sources for Supreme Court decisions from different periods in U.S. history in order to discover how Court decisions both mirrored and shaped society.

Day 2: The Court: Shaped and Reshaped by History

Students will share their case studies and contribute information to a large timeline of U.S. history in order to make observations, notice cause and effect relationships, identify trends, and recognize how the court is shaped and reshaped as society changes.

Note to Teachers:

Throughout the lesson, help students recognize the values and principles that are working behind the scenes to make the judicial process work in the United States.

Courts may help with problem-solving in a constitutional democracy, but the extent of their success, and the success of democracy itself, depends on all Americans exercising certain dispositions or traits of character, adhering to democratic principles and values, and understanding and exercising personal and civic responsibilities.

Civic Dispositions/Traits of Character	Civic Responsibilities	Personal Responsibilities
<ul style="list-style-type: none">• individual responsibility• self discipline/self governance• civility• courage• respect for the rights of other individuals• honesty• open mindedness• critical mindedness• negotiation and compromise• persistence• civic mindedness• compassion• patriotism	<ul style="list-style-type: none">• obeying the law• respecting the rights of others• being informed and attentive to public issues• monitoring political leaders and governmental agencies and taking appropriate action if their adherence to constitutional principles is lacking• performing public service• serving as a juror	<ul style="list-style-type: none">• taking care of one's self• accepting responsibility for the consequences of one's actions• adhering to moral principles• considering the rights and interests of others• behaving in a civil manner

Source: *National Standards for Civics and Government (1994)*

MATERIALS and EQUIPMENT FOR THIS LESSON

Materials/Equipment Needed

- Paper and pencil
- Colored highlighters per student
- Computer with Internet access and projector for class viewing
- Computer lab
- Tape or board magnets

Lesson Materials Included

- Resources
 - From *The Pursuit of Justice: Supreme Court Decisions that Shaped America* by Kermit Hall and John Patrick
 - "Introduction: The Supreme Court as a Mirror of America"
 - "Epilogue: "We are All Slaves of the Law"
 - From *Our Constitution* by Donald Ritchie
 - "Chapter 5: How is the Constitution Interpreted?"
 - Glossary of Court-Related Terms
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- Student materials
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 - Research Activity: Find Signs of the Times in Supreme Court Cases
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- Teacher materials
 - Master Timeline: Supreme Court Cases in U.S. History (Teacher's Resource)
 - 10 Historical timeline charts
 - Essay Rubric

Annenberg Video Resources Needed

Videos and Video Clips

- **Supreme Court Q & A (2005)**
<http://www.annenbergclassroom.org/Asset.aspx?Id=1054>
"Relevance Today" (1 min.)
"Most Influential Cases" (2.5 min.)
"Helping to Solve Problems (2 min.)
Note: The above clips are from the full video "Our Constitution: A Conversation"
<http://sunnylandsclassroom.org/Asset.aspx?id=11>
- **Supreme Court Q & A (2006)**
<http://www.annenbergclassroom.org/Asset.aspx?Id=1094>
"How is the Supreme Court Different from Other Courts?" (2.5 min.)
"Protecting the Rights of the Minority" (1.5 min.)
"Making Unpopular Decisions" (1.5 min.)
"On the Rule of Law" (2 min.)
"Why the Rule of Law is Important? (1 min.)
Note: The above clips are from the full video "A Conversation on the Constitution: Judicial Independence"
<http://sunnylandsclassroom.org/Asset.aspx?id=1074>

ABOUT ANNENBERG VIDEO RESOURCES IN THE LESSON

Note to Teacher: The following videos or video collections are incorporated in this lesson either in full or in part. Because teaching time and needs vary, complete descriptions are provided below should you wish to expand the lesson with additional viewing. This symbol (✓) indicates the specific resources used in the lesson and extension activities.

1. Our Constitution: A Conversation (30 min)

<http://sunnylandsclassroom.org/Asset.aspx?id=11>

Description: In the summer of 1787, delegates to the Constitutional Convention gathered in Philadelphia to create a document that would establish the government of the United States. On September 17, that landmark document – our Constitution – was signed into law. This conversation on the Constitution, featuring Supreme Court Justices Sandra Day O'Connor and Stephen Breyer in a dialogue with Pennsylvania high school students at the Supreme Court in 2005, is the first in a series produced by the Annenberg Foundation Trust at Sunnylands for use in classrooms on Constitution Day.

- The collection of clips from this video can also be accessed from this page: Supreme Court Q & A – 2005
<http://www.sunnylandsclassroom.org/Asset.aspx?Id=1054>
- Individual clips may also be accessed directly:
 - Teaching the Constitution (2 min.)
<http://sunnylandsclassroom.org/AssetDetail.aspx?MyID=1042>
 - Why Have a Constitution (2 min.)
<http://sunnylandsclassroom.org/AssetDetail.aspx?MyID=1043>
 - Helping to Solve Problems (2 min.) ✓
<http://sunnylandsclassroom.org/AssetDetail.aspx?MyID=1044>
 - The Power of Precedent (3 min.)
<http://sunnylandsclassroom.org/AssetDetail.aspx?MyID=1045>
 - Moral Values/Decision making (2 min.)
<http://sunnylandsclassroom.org/AssetDetail.aspx?MyID=1046>
 - Separation of Powers (2.5 min.)
<http://sunnylandsclassroom.org/AssetDetail.aspx?MyID=1047>
 - Relevance Today (1 min.) ✓
<http://sunnylandsclassroom.org/AssetDetail.aspx?MyID=1048>
 - Federalism (3.5 min.) ✓
<http://sunnylandsclassroom.org/AssetDetail.aspx?MyID=1049>
 - Individual Liberty vs. Security (5 min.)
<http://sunnylandsclassroom.org/AssetDetail.aspx?MyID=1050>

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- Most Influential Cases (2.5 min.) ✓
<http://sunnylandsclassroom.org/AssetDetail.aspx?MyID=1051>
- Court Decision Making (1.5 min.)
<http://sunnylandsclassroom.org/AssetDetail.aspx?MyID=1052>

2. The Constitution in Context (a collection of video clips)

<http://sunnylandsclassroom.org/Asset.aspx?id=1261>

Description: The Constitution Project assembled a panel of constitutional scholars and legal experts to discuss issues raised by the Justices in our videos. Here, presented, are a number of excerpts from Justice Ruth Bader Ginsburg and Chief Justice John G. Roberts, each followed by an analysis and commentary from the panel. You can also choose to view just the commentary.

- The questions for the Justices in this collection come from the following full videos:
 - "A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court"
<http://sunnylandsclassroom.org/Asset.aspx?id=1254>
 - "A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment"
<http://sunnylandsclassroom.org/Asset.aspx?id=1255>

- **Questions for video clips in this collection:**

Question 1: What does due process mean?

(6 min. for "question and commentary")

<http://sunnylandsclassroom.org/Asset.aspx?id=1262>

(From "A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment")

Note: The "View the question and commentary" option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- What is procedural due process?
- What is substantive due process?
- How did the 14th amendment expand due process?

Question 2: How do cases get to the Supreme Court?

(3 min. for "question and commentary")

<http://sunnylandsclassroom.org/Asset.aspx?id=1263>

(From video "A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court")

Note: The "View the question and commentary" option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- What is standing?
- What is the Supreme Court's jurisdiction?
- What is a *writ of certiorari*?

Question 3: Why is it necessary to deliver an opinion?

(4.5 min. for "question and commentary")

<http://sunnylandsclassroom.org/Asset.aspx?id=1264>

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(From "A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court")

Note: The "View the question and commentary" option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- What role do decisions serve for the Justices?
- What does it mean when decisions are affirmed?
- What does it mean with a decision is reversed?

Question 4: Why do we have 9 Supreme Court justices?

(2.75 min. for "question and commentary")

<http://sunnylandsclassroom.org/Asset.aspx?id=1265>

(From "A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court")

Note: The "View the question and commentary" option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- Why have there always been nine Supreme Court Justices?
- Why would a Justice recuse him/herself from hearing a case?
- What happens when there is a tied decision?

Question 5: Who was the greatest Supreme Court justice? ✓

(5.25 min. for "question and commentary")

<http://sunnylandsclassroom.org/Asset.aspx?id=1266>

(From "A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court")

Note: The "View the question and commentary" option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions: ✓

- What principle did Marbury v. Madison help establish?
- What is judicial review?
- How did John Marshall strengthen the federal government?

Question 6: How did you prepare to argue before the Supreme Court?

(3.75 min. for "question and

commentary")<http://sunnylandsclassroom.org/Asset.aspx?id=1267>

(From "A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court")

Note: The "View the question and commentary" option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- How do justices prepare for oral arguments?
- What purposes do oral arguments serve for the justices?
- How must a lawyer structure his/her oral argument?

Question 7: What gave Gideon the right to petition the Court? ✓

(4 min. for "question and commentary")

<http://sunnylandsclassroom.org/Asset.aspx?id=1268>

(From "A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court")

Note: The "View the question and commentary" option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions: ✓

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- What did the Florida judge refuse to grant Clarence Earl Gideon during his first robbery trial?
- What right did Clarence Earl Gideon assert in his petition to the Supreme Court?
- What are *in forma pauperis* cases?

Question 8: What would we lose without the 14th Amendment?

(6.30 min. for “question and commentary”)

<http://sunnylandsclassroom.org/Asset.aspx?id=1269>

(From “A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment”)

Note: The “View the question and commentary” option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- What two ideas did the 14th amendment introduce to the Constitution?
- How did the 14th amendment transform our country?

Question 9: Is the 14th Amendment interpreted differently over time? ✓

(6 min. for “question and commentary”)

<http://sunnylandsclassroom.org/Asset.aspx?id=1270>

(From “A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment”)

Note: The “View the question and commentary” option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions: ✓

- How did the court initially interpret the 14th amendment?
- What did the court claim the due process clause protected in *Lochner v. New York* (1905)?
- When did the Court begin to interpret the 14th amendment as a protector of personal liberties?

Question 10: Do we need an equal rights amendment? ✓

(5.5 min. for “question and commentary”)

<http://sunnylandsclassroom.org/Asset.aspx?id=1271>

(From “A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment”)

Note: The “View the question and commentary” option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions: ✓

- Does the constitution guarantee equal rights to men and women?
- What was the equal rights amendment?
- Was the equal rights amendment ratified?

3. A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court (37 min) ✓

Full video: <http://sunnylandsclassroom.org/Asset.aspx?id=1254>

Description: The establishment of a federal judiciary was a top priority for this nation’s founding fathers. In December 2006, Chief Justice of the United States John G. Roberts, Jr. and a group of high school students participated in a conversation about the high court – from its history and evolution to the methods Justices use in selecting and hearing cases to the role of an independent judiciary and other issues crucial to a healthy democracy today.

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Questions covered in this video:

- Why is it important to have courts? (Start time: 00:52; Stop Time 02:20) ✓
- Why does the Constitution devote less space to the courts than to the Congress and the Presidency? ✓
- How do cases get to the Supreme Court?
- What gave Gideon the right to petition the Court directly? ✓
- Does it matter whether a case comes from the Federal or State Court?
- How does the court decide which cases to hear?
- How did you prepare to argue before the Supreme Court?
- How are cases decided?
- Do justices ever change their minds while deciding a case?
- Why do justices write opinions?
- Which Chief Justice was the greatest? ✓
- What are the special responsibilities of the Chief Justice?
- Why do we have nine Supreme Court Justices on the Court?
- How do the courts apply the Constitution to contemporary issues?
- Is it difficult to look at the claim of a convicted murderer?
- Misconceptions about the courts.

4. Key Constitutional Concepts (62 min)

Full video: <http://sunnylandsclassroom.org/Asset.aspx?id=12>

Description: These three 20-minute video segments examine key constitutional concepts. The first explains why the nation's framers created the Constitution. The second describes the protection of individual rights by highlighting the Supreme Court case of Gideon v. Wainwright, affirming the right to an attorney. The last explores the separation of powers using the Supreme Court case of Youngstown v. Sawyer, a challenge to President Truman's decision to take over steel mills during the Korean War.

Segment 1: Creating a Constitution (Start: 00:00)

Segment 2: One Man Changes the Constitution (Start Time: 23:02) ✓

Segment 3: Check and Balances (Start Time 41:52) ✓

5. The Constitution Project: An Independent Judiciary (34 min) ✓

<http://sunnylandsclassroom.org/Asset.aspx?id=1256>

Description: This film chronicles two key moments that defined our understanding of the role of the judiciary: the Cherokee Nation's struggles before the Supreme Court in the 1830s to preserve its homeland, and Cooper v. Aaron, the 1958 Supreme Court case that affirmed that states were bound to follow the Court's order to integrate their schools. An Independent Judiciary features Supreme Court Justice Stephen Breyer and some of the nation's leading Constitutional scholars.

6. A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment (42 min.) ✓

<http://sunnylandsclassroom.org/Asset.aspx?id=1255>

Description: Incorporating three integral constitutional tenets – due process, equal protection and privileges and immunities – the Fourteenth Amendment to the United States Constitution was originally intended to secure rights for former slaves, but over the years it has been expanded to protect all persons. In December 2006, Justice Ruth Bader Ginsburg and a group of students gathered at the Supreme Court to discuss the

importance of the Fourteenth Amendment and how it came to embody and protect the principle of "We the People."

Segments in this video:

- The meaning of the key clauses in the fourteenth amendment
- To whom did the fourteenth amendment originally apply and to whom does it apply now?
- The fourteenth amendment and women
- How has the courts approach to gender discrimination changed over time?
- Changes in the interpretation of the fourteenth amendment
- How has the Court's approach to racial discrimination changed?
- Do we need an equal rights amendment to the Constitution?

7. A Conversation on the Constitution: Judicial Independence (32 min)

<http://sunnylandsclassroom.org/Asset.aspx?id=1074>

Description: Judicial independence is a cornerstone of democracy, guaranteed by the Constitution and enshrined in our system of government. In a conversation with students from California and Pennsylvania, three Supreme Court Justices – Sandra Day O'Connor, Stephen Breyer and Anthony Kennedy – discuss the Constitution and the role of judges who are sworn to uphold the laws of this nation and to protect the rights of all citizens.

- The collection of clips from this video can also be accessed from this page: Supreme Court Q & A – 2006
<http://sunnylandsclassroom.org/Asset.aspx?id=1094>
- Individual clips may also be accessed directly:
 - The Role of Judges (1 min.)
<http://sunnylandsclassroom.org/Asset.aspx?id=1075>
 - How is the Supreme Court Different from Other Courts? (2.5 min) ✓
<http://sunnylandsclassroom.org/Asset.aspx?id=1076>
 - The Supreme Court and the Boundaries of the Democratic Process (1.5)
<http://sunnylandsclassroom.org/Asset.aspx?id=1077>
 - What is Judicial Independence? (1.5)
<http://sunnylandsclassroom.org/Asset.aspx?id=1078>
 - Ensuring a Fair Trial (1 min.)
<http://sunnylandsclassroom.org/Asset.aspx?id=1079>
 - Protecting the Rights of the Minority (1.5 min.) ✓
<http://sunnylandsclassroom.org/Asset.aspx?id=1080>
 - Why is Judicial Independence Important? (1 min.)
<http://sunnylandsclassroom.org/Asset.aspx?id=1081>
 - Making Unpopular Decisions (1.5 min.) ✓
<http://sunnylandsclassroom.org/Asset.aspx?id=1082>

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- On Public Pressure –*Question not on the DVD!* (1 min.)
<http://sunnylandsclassroom.org/Asset.aspx?id=1092>
- Checks on the Judiciary (1.5 min.)
<http://sunnylandsclassroom.org/Asset.aspx?id=1083>
- Protecting Judicial Independence (2.5 min.)
<http://sunnylandsclassroom.org/Asset.aspx?id=1084>
- Making the Constitution Work (1.5 min.)
<http://sunnylandsclassroom.org/Asset.aspx?id=1085>
- What Judges Do (3 min.)
<http://sunnylandsclassroom.org/Asset.aspx?id=1086>
- On the Election of Judges (3 min.)
<http://sunnylandsclassroom.org/Asset.aspx?id=1087>
- How the President Reacts to Court Decisions (2 min.)
<http://sunnylandsclassroom.org/Asset.aspx?id=1088>
- On the Rule of Law (2 min.) ✓
<http://sunnylandsclassroom.org/Asset.aspx?id=1089>
- Why the Rule of Law is Important? (1 min.) ✓
<http://sunnylandsclassroom.org/Asset.aspx?id=1090>
- Threats to Judicial Independence (2.5 min.)
<http://sunnylandsclassroom.org/Asset.aspx?id=1091>
- On the Threat of Reprisals Against Judges – *Question not on the DVD!*
(1 min.)
<http://sunnylandsclassroom.org/Asset.aspx?id=1093>

TEACHING ACTIVITIES

CLASS PREP for STUDENTS:

Materials and Resources Needed

1. Print Materials (included with this lesson)
 - Glossary of Court-Related Terms
 - From *The Pursuit of Justice* by Kermit Hall and John Patrick
 - "Introduction: The Supreme Court as a Mirror of America" (also available online from Annenberg Classroom at <http://www.annenbergclassroom.org/Asset.aspx?Id=1257>)
 - From *Our Constitution* by Donald Ritchie
 - "Chapter 5: How is the Constitution Interpreted?" (also available online from Annenberg Classroom at <http://www.annenbergclassroom.org/Asset.aspx?Id=8>)
 - Graphic Organizer: "Court History Aligned to Periods in U.S. History" (available from Teacher)
2. Annenberg Video Resources
 - Supreme Court Q & A (2005)
<http://www.annenbergclassroom.org/Asset.aspx?Id=1054>
Relevance Today (1 min.)
Most Influential Cases (2.5 min.)
Helping to Solve Problems (2 min.)

Note: The above questions come from this full video:
"Our Constitution: A Conversation"
<http://sunnylandsclassroom.org/Asset.aspx?id=11>

- Supreme Court Q & A (2006)
<http://www.annenbergclassroom.org/Asset.aspx?Id=1094>
How is the Supreme Court Different from Other Courts? (2.5 min.)
Protecting the Rights of the Minority (1.5 min.)
Making Unpopular Decisions (1.5 min.)
On the Rule of Law (2 min.)
Why the Rule of Law is Important (1.5 min)

Note: The above questions come from this full video:
"A Conversation on the Constitution: Judicial Independence"
<http://sunnylandsclassroom.org/Asset.aspx?id=1074>

Several days before class, either load the print resources on the computer or distribute hard copies to the students. Review the Class-Prep: Assignment Sheet with the students and give them at least one night to do the work before the lesson in class.

During preparation time, students will read resource material, view videos, and take notes which they may use later during the lesson.

Remind students to bring all work to class the next day.

DAY ONE: Court Cases Mirror the Times

Overview: Students will conduct Internet research using primary and secondary sources for Supreme Court decisions from different periods in U.S. history in order to analyze cause and effect relationships between Court decisions and American society at different times. They will develop case profiles with corresponding historical context for a class timeline.

Goal: Each student will think historically as he/she looks into the “mirror of a Supreme Court case” to describe how society is reflected in and shaped by historic and contemporary Supreme Court decisions.

Materials/Equipment Needed:

- Class Prep: Assignment Sheet and students' completed work
- Computer with Internet connection and projector for class viewing
- Computer lab (recommended setting for this session)
- Paper and pencil for note-taking
- Colored highlighters

Included with lesson

- Master Timeline: Supreme Court Cases in U.S. History (Teacher's Resource)
- Timeline: Supreme Court Cases in U.S. History (1 per student)
- Research Activity: Find Signs of the Times in Supreme Court Cases (1 copy per student)

Advance Preparation:

- Determine how you want to select cases across the historical periods.

Procedure:

1. Write this quote on the board so it is visible when students walk into the room. After all are seated, discuss the metaphor used and relate it to the lesson. Keep it on the board for the duration of the lesson.

“This abstraction called the law, wherein, as in a magic mirror, we see reflected, not only our own lives, but the lives of all men that have been! When I think on this majestic theme, my eyes dazzle.”

-- Justice Oliver Wendell Holmes, Jr. (1902-1932)

2. Briefly discuss the Class Prep activities and questions.
3. Distribute the timeline to the students. Divide the class into study groups with each group responsible for 2 or more periods of U.S history.
4. Either assign or allow students to select cases to research with the stipulation that a minimum of 2 cases must come from each period. Highlight cases selected.
5. Distribute the Research Activity and go over the instructions. Recommend that students read case summaries first then check out the full text for the more detailed information provided in the background story. More historical context may also be found in the chapter references for *The Pursuit of Justice* cited in the timeline. Encourage students to add additional important cases found during research.
6. Allow students the time to conduct research. Request that “case strips” be completed by the next class. Homework time may also be needed to complete the work.

DAY TWO: The Court: Shaped and Reshaped by History

Overview: Students will share their case studies and contribute information to a large timeline of U.S. history in order to make observations, notice cause and effect relationships, identify trends, and recognize how the court is shaped and reshaped as society changes.

Goal: Students will get a “big picture” understanding of the interdependent relationship between the Supreme Court and society and how it works for the benefit of all Americans.

Materials/Equipment Needed:

- All student-completed “case strips” and timelines
- 10 timeline charts for posting in the room
- Master Timeline (for teacher reference)
- Class-Prep: Assignment Sheet
- Tape or board magnets
- “Epilogue: “We are All Slaves of the Law” from *The Pursuit of Justice*. (Included with this lesson or available online from Annenberg Classroom at <http://www.annenbergclassroom.org/Asset.aspx?Id=1257>)
- Essay Rubric

Procedure:

1. Post the timeline charts on a wall in chronological order.
2. Going in chronological order, give each group time to present their cases for the class then tape them on the appropriate timeline chart, also in chronological order. Listening students should be taking notes.
3. After all cases are posted on the timelines, step back to help the students analyze the information, make observations, and notice cause and effect relationships.
4. Read the paragraphs from “*The Pursuit of Justice*” in the teachers’ Master Timeline that describe each phase of Court History and discuss how the cases taped on the class timeline relate.
5. Reflect again on the statement by Justice Oliver Wendall Holmes, Jr. that’s still on the board.

“This abstraction called the law, wherein, as in a magic mirror, we see reflected, not only our own lives, but the lives of all men that have been! When I think on this majestic theme, my eyes dazzle.”

-- Justice Oliver Wendell Holmes, Jr. (1902-1932)

Assign Homework:

1. Reading: “Epilogue: “We are All Slaves of the Law” from *The Pursuit of Justice*.
2. Essay: (May also serve as a take-home assessment.)
Students will find their notes useful for the essay.

Options for questions:

1. Identify questions on the Class Prep: Assignment Sheet that students may choose from as the topic for the essay.
2. Use the statements that are listed as “Outcomes” for this lesson.
3. Allow students to substitute a relevant question of their own.

EXTENSION ACTIVITIES

Have more time to teach?

1. **View and discuss:** "A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court" (37 min.)
<http://www.annenbergclassroom.org/Asset.aspx?id=1254>
2. **Identify ways the Supreme Court mirrors society through the cases discussed in video resources from Annenberg. Describe the historical context for each case and explain how it reflected society at the time. Integrate the following comments from Justice Ginsburg in your response.**
 - "Courts reactive institutions."
 - "Courts should never be affected by the weather of the day, but of course they are affected by the climate of the era."(From "A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment")

Select one or more of the following 4 resources:

- "A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment" (42 min.)
<http://sunnylandsclassroom.org/Asset.aspx?id=1255>
- "The Constitution Project: An Independent Judiciary" (34 min)
<http://sunnylandsclassroom.org/Asset.aspx?id=1256>
- "Key Constitutional Concepts" (62 min)
<http://sunnylandsclassroom.org/Asset.aspx?id=12>
Segment 2: One Man Changes the Constitution (Start Time 23:02)
Segment 3: Checks and Balances (Start Time 41:52)
- View these questions from The Constitution in Context (a collection of video clips)
<http://sunnylandsclassroom.org/Asset.aspx?id=1261>
 - **Question 5:** Who was the greatest Supreme Court justice? (5.25 min. for "question and commentary")
<http://sunnylandsclassroom.org/Asset.aspx?id=1266>
(From "A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court")
Note: The "View the question and commentary" option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:
 - What principle did Marbury v. Madison help establish?
 - What is judicial review?
 - How did John Marshall strengthen the federal government?
 - **Question 7:** What gave Gideon the right to petition the Court? (4 min. for "question and commentary")
<http://sunnylandsclassroom.org/Asset.aspx?id=1268>
(From "A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court")

Note: The “View the question and commentary” option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:

- What did the Florida judge refuse to grant Clarence Earl Gideon during his first robbery trial?
 - What right did Clarence Earl Gideon assert in his petition to the Supreme Court?
 - What are *in forma pauperis* cases?
- **Question 9:** Is the 14th Amendment interpreted differently over time? (6 min. for “question and commentary”)
<http://sunnylandsclassroom.org/Asset.aspx?id=1270>
(From “A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment”)
Note: The “View the question and commentary” option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:
- How did the court initially interpret the 14th amendment?
 - What did the court claim the due process clause protected in *Lochner v. New York* (1905)
 - When did the Court begin to interpret the 14th amendment as a protector of personal liberties?
- **Question 10:** Do we need an equal rights amendment? (5.5 min. for “question and commentary”)
<http://sunnylandsclassroom.org/Asset.aspx?id=1271>
(From “A Conversation on the Constitution with Justice Ruth Bader Ginsburg on the Fourteenth Amendment”)
Note: The “View the question and commentary” option includes two back-to-back clips—(1) response by the Justice and (2) a commentary that addresses these additional questions:
- Does the constitution guarantee equal rights to men and women?
 - What was the equal rights amendment?
 - Was the equal rights amendment ratified?

3. Discuss federalism

View clip: Federalism (3.5 min.)

<http://sunnylandsclassroom.org/AssetDetail.aspx?MyID=1049>

From the full video “Our Constitution: A Conversation” (30 min.)

<http://sunnylandsclassroom.org/Asset.aspx?id=11>

4. Consider why it is important to have courts.

- View segments from “A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court”
<http://sunnylandsclassroom.org/Asset.aspx?id=1254>
 - Why is it important to have courts? (Start Time 00:51; Stop time 02:20)
 - Why does the Constitution devote less space to the courts than to the Congress and the Presidency? (Start time 02.21; Stop time 03:45)

5. Research: Make a timeline that traces the development of a constitutional issue over time through Supreme Court decisions and relate the decisions to the historical period.

6. Use these resources to explore the issues covered in the cases:

- Annenberg Classroom for America's Teachers
 - Civil and Individual Rights
<http://www.annenbergclassroom.org/Chapter.aspx?Id=33>
 - Student Voices: National Speak Out Discussion
The Free Press and You: How does the First Amendment apply to student media? <http://www.annenbergclassroom.org/Asset.aspx?Id=1369>

Constitution Day: Do you know your free speech rights as a student?
<http://www.annenbergclassroom.org/AssetDetail.aspx?myID=1326>

Does the First Amendment protect students' speech off of school grounds?
<http://www.annenbergclassroom.org/AssetDetail.aspx?myID=1194>

How should public schools achieve and maintain diversity?
<http://www.annenbergclassroom.org/AssetDetail.aspx?myID=1246>

What do you think about the death penalty?
<http://www.annenbergclassroom.org/AssetDetail.aspx?myID=1176>
 - Student Voices: Resources
Religion
<http://student-voices.org/SpeakOut.aspx?Id=622>
- Justice Learning
 - Access Supreme Court cases related to particular issues.
<http://www.justicelearning.org/home.asp>
 - Religion in Schools
<http://www.justicelearning.org/viewissue.asp?issueID=11>
- New York Times Learning Network (Lessons)
 - Does Free Speech Exist in Schools
http://www.nytimes.com/learning/teachers/lessons/20070319monday.html?searchpv=learning_lessons
 - What Has Brown Done for You?
http://www.nytimes.com/learning/teachers/lessons/20040517monday.html?searchpv=learning_lessons

SUPPORTING RESOURCES FROM ANNENBERGCLASSROOM.ORG, ITS AFFILIATES, AND OTHERS

More About Supreme Court Matters

- **Annenberg Classroom for America’s Teachers**
Ask a Supreme Court Justice
<http://www.annenbergclassroom.org/AssetDetail.aspx?myID=1178>

Judiciary
<http://www.annenbergclassroom.org/Chapter.aspx?Id=17>

The Courts
<http://www.annenbergclassroom.org/Chapter.aspx?Id=31>

Our Rights (online book)
<http://www.annenbergclassroom.org/Asset.aspx?Id=1329>

Pursuit of Justice: Supreme Court Decisions that Shaped America (online book)
<http://www.annenbergclassroom.org/Asset.aspx?Id=1257>

Our Constitution (online book)
<http://www.annenbergclassroom.org/Chapter.aspx?Id=66>

The Justice Talking Listening and Learning Guide
<http://www.annenbergclassroom.org/Asset.aspx?Id=887>

Constitutional Timeline
<http://www.annenbergclassroom.org/Chapter.aspx?Id=27>

Issue Timelines
<http://www.annenbergclassroom.org/Chapter.aspx?Id=45>

Video: “Key Constitutional Concepts” (62 min.)
<http://www.annenbergclassroom.org/Asset.aspx?Id=12>
- **Factcheck.org**
“Court Watch” is a new series launched in March 2008.
- **Justice Learning**
Guide to the Constitution. What it says. What it means. Interactive timelines.
http://www.justicelearning.org/justice_timeline/Articles.aspx
- **Justice Talking**
Search by “Supreme Court” to get a listing of the many relevant programs.

ADDITIONAL RESOURCES

Learn about the Constitution

- National Constitution Center
Explore the Constitution
<http://www.constitutioncenter.org/explore/Welcome/index.shtml>

Learn about the Federal Court System

- Supreme Court of the United States
<http://www.supremecourtus.gov>
- Federal Judicial Center: Inside the Federal Courts
<http://www.fjc.gov/federal/courts.nsf>
- U.S. Courts
www.uscourts.gov

Find Supreme Court Opinions

- **Official source**
Supreme Court of the United States
United States Reports (electronic copies of the official bound volumes)
Note: "In case of discrepancies between the print and electronic versions of these bound volume materials, the print versions control."
<http://www.supremecourtus.gov/opinions/boundvolumes.html>
- **Unofficial sources**
FindLaw
<http://www.findlaw.com/casecode/supreme.html>

GPO Access
<http://www.gpoaccess.gov/supcrt/index.html>

OYEZ
<http://www.oyez.org>

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-- Justice Oliver Wendell Holmes, Jr. (1902-1932)

Resources

- Readings from *The Pursuit of Justice: Supreme Court Decisions that Shaped America* by Kermit Hall and John Patrick
 - "Introduction: The Supreme Court as a Mirror of America"
 - "Epilogue: We are All Slaves of the Law."
- Glossary of Court-Related Terms
- Where to Obtain Supreme Court Opinions

Introduction

The Supreme Court as a Mirror of America



The Supreme Court of the United States seems a mysterious, distant institution. Its justices conduct their business in an imposing marble building; they don formal black robes to hear oral arguments and issue decisions; and they announce those decisions through the technical language of the law. On closer examination, however, this seemingly inscrutable institution of legal oracles turns out to be a uniquely human enterprise shaped by the personalities of its justices and by the disputes that constantly roil American society. Each case that comes before the Court is a unique slice of American life, not just an abstract legal matter, and the outcomes of these cases tell the story of the nation and its development. They also chronicle the institution's successful struggle to secure its power to review the actions of the other branches of government, to establish its independence, and to settle conclusively what the Constitution means.

The high court is simultaneously the least and the most accessible branch of government. Unlike the President and Congress, the Supreme Court invariably explains its actions through written opinions. Since the Court's founding in 1789 it has delivered enough opinions to fill more than five hundred fat volumes, known to us today as *United States Reports*. The justices reach those decisions through a process that involves open argument in court and intense media coverage. In almost every case, one justice speaks for the Court publicly, and his or her colleagues may concur or dissent with the decision, also publicly.

Still, the Court's reputation for mystery is well deserved. It reaches its decisions through highly confidential meetings, called conferences, in which the justices discuss the cases before them out of public earshot. Secrecy is so strict that the justices have adopted rules that preclude even their clerks from attending these meetings. The newest court appointee has the task of sending out messages and guarding access to the conference. We know about what transpires in these conference sessions only through the fragmentary notes that a few justices have left behind.

Even the well-known practice of an individual justice writing and signing an opinion gives way at times. The justices in some instances may decide to issue an opinion

per curiam, or "for the court." Such an opinion is rendered either by the whole Court or a majority of it, rather than being attributed to an individual justice. This practice of issuing per curiam opinions means that the public cannot readily determine how the justices aligned themselves, adding to the mystery of the entire decision-making process. Early in the Court's history such opinions were used to dispose of minor cases in a terse, summary fashion; more recently, they have also become vehicles for major opinions. For example, the Court issued one of its great and controversial twentieth-century First Amendment decisions, *Brandenburg v. Ohio* (1969), per curiam. So, too, was *Bush v. Gore* (2000), in which the justices decided who would be the next President of the United States.

The framers of the Constitution intended just such a mix of secrecy and accessibility. They meant the justices to be judges, not politicians subject to direct public pressure. The justices serve during good behavior, a virtual grant of life tenure. The President appoints them with the advice and consent of the Senate; they can be removed only through impeachment by the House of Representatives and conviction by the Senate for "Treason, Bribery, or other high Crimes and Misdemeanors." Only one justice, Samuel Chase, has been impeached, but the vote to convict him fell short of the needed two-thirds majority.

The justices are insulated from politics in other ways as well. They do not have to stand for election. Their salaries cannot be diminished while they are in office. They alone decide when they will retire from the Court, even if they are infirm. They are, in the strongest sense of the term, agents of the law, whose ultimate responsibility is to uphold the Constitution without regard to political pressures or the standing of the people whose cases they decide. The words carved above the entrance of the Supreme Court building sum up its noblest ambitions: "Equal Justice under Law."

The Court is distinctively American and has been since it first opened its doors for business in 1789. Alexis de Tocqueville, a French visitor to the United States during the early nineteenth century, was astonished by the new nation's reliance on courts and judges. In his classic

book *Democracy in America*, he wrote, “I am unaware that any nation on the globe has hitherto organized a judicial power in the same manner as the Americans....A more imposing judicial power was never constituted by a people.” In more recent times, Chief Justice Charles Evans Hughes, who served during the Great Depression of the 1930s, explained the unique nature of the Court by pointing to the justices’ power to review acts of the other branches and, if necessary, overturn them. Only a few other courts in the world have powers in scope and operation similar to that of the U.S. Supreme Court; no other court figures so centrally in the life of its nation.

The Court was the most novel, yet least debated, institution to emerge from the Constitutional Convention of 1787. One reason that the delegates gathered in Philadelphia was to address the concern that rule of law—the concept that a nation should be governed by laws, not people—was under serious threat in the newly formed United States of America. The English government had a judiciary, but its judges did not hold tenure during good behavior; instead, they were effectively servants of the crown and, as a result, distrusted by many of the colonists. The colonies had courts of their own, but the final authority on legal matters rested with the distant Privy Council in London.

Moreover, under the Articles of Confederation, which were ratified in 1781 and represented the first attempt to establish a government for the new nation, there was no national judiciary; instead, state courts addressed almost all judicial matters, even those with national consequences. The framers of the Constitution, whose staunchest advocates were known as Federalists, wanted an independent judiciary capable of upholding standards of national law and restraining what they believed were the excesses of popular government. Thus, in Article 3 of the Constitution the delegates established a national judiciary, composed of one Supreme Court and as many lower federal courts as Congress wished.

The framers granted the new Supreme Court limited original jurisdiction (the power to hear cases in the first instances as a trial court) and left Congress to sketch the boundaries of its appellate jurisdiction (the power to hear cases on appeal from other courts). Article 3 provided that the power of the federal courts in general and the Supreme Court in particular extended to “all Cases, in Law and Equity, arising under the Constitution, the Laws of the United States, and Treaties...to Controversies to which the United States shall be a Party;—to Controversies between two or more states; [between a State and Citizens of another State] between Citizens of different States....“

The framers chose the words in Article 3 carefully. Particularly important was their decision to merge the concepts of law and equity under one set of courts and judges, a practice that departed from the English system. Law constituted the formal rules adopted by legislatures and courts; equity, on the other hand, consisted of ideas about justice that rested on principles of fairness and that were administered in the English system by chancellors. Colonial Americans were deeply suspicious of equity courts because they operated under the control of English governors and were, therefore, often highly political, and they were able to defeat rights, especially property rights, that were otherwise protected through the law.

The crucial purpose of Article 3 was to empower, not limit, the courts in general and the Supreme Court in particular. The framers gave the Court a power of decision equal to that, in its appropriate sphere, of Congress. Article 6 established that the Constitution was “the Supreme law of the land,” so by inference it followed that the Court, the nation’s primary legal body, was to be its most important interpreter, one authorized to overturn an act of a state court or legislature and perhaps to set aside an act by another branch of the federal government.

It was left to Congress to determine how many justices were to exercise that power. In theory, the Supreme Court could function with only two justices—the chief justice and an associate justice. Today, the number of justices stands at nine, where it has remained since 1837 except for a brief period during the Civil War and Reconstruction, when it was as low as eight and as high as ten. At its inception, the Court had six justices, a number dictated in part by the requirement that each of these justices perform his duties in one of the six circuit courts of the United States. These circuit court duties included conducting trials, making the justices into republican teachers who brought through their circuit riding the authority of the federal government to the distant states. Circuit riding also exposed the justices to local political sentiments and legal practices. The justices continued to ride circuit until 1911, when Congress formally ended the practice.

Throughout the nineteenth and into the early twentieth century, Presidents tried to make sure that each of the circuits and the associated region had a representative on the bench. The number of justices was reduced briefly in 1801 to five, with the temporary abolition of circuit riding, but the number reverted to six with the passage of a new judiciary act in 1802. The number of justices grew to seven in 1807, and the eighth and ninth justices were added in 1837. That number remained constant until 1866, when Congress, in an attempt to deny President Andrew John-

son a chance to appoint any new justices, provided that the Court's number would decline by attrition to seven. The number dropped by one, to eight, and then the Judiciary Act of 1869 reestablished the number at nine. During the New Deal in the 1930s, President Franklin D. Roosevelt attempted unsuccessfully to expand the Court by as many as six new slots.

Whatever the number of justices, there is no constitutional requirement that they be lawyers, although all of them have been. Unlike the President, members of the Court can be foreign born, and several have been: James Wilson, James Iredell, David J. Brewer, George Sutherland, and Felix Frankfurter.

The Court has had several homes throughout its history. Until the Supreme Court moved into its present building in October 1935, it had always shared space with other government institutions. The Court held its first session at the Royal Exchange Building in New York City, which was also home to the lower house of the New York legislature. In December 1790 the nation's capital moved to Philadelphia and the justices had space in the newly constructed city hall of Philadelphia. Pierre Charles L'Enfant had designed a building for the Court in the new capital city of Washington, D.C., but it was never erected, in part because Congress never deemed a new home for the justices as particularly important. The justices moved in 1801 to an unfurnished chamber on the first floor of the Capitol. After the British burned the Capitol at the end of the War of 1812, the Court operated from a rented house on Capitol Hill for two years, but then went back to the Capitol, where the justices remained until moving to their current home in 1935. The tortured journey of the Court to its new magisterial home is a reminder of its growing prestige in the American scheme of government.

The new building was the singular triumph of Chief Justice William Howard Taft, the only justice also to have served as President of the United States. Following the design of architect Cass Gilbert, the building was constructed of white marble, with a central portico and matching wings. The imposing "White Palace" has come to symbolize the power and independence of not just the justices but the entire judicial branch.

The Court's most important business has always been exercised through its appellate jurisdiction. Again, this term simply means cases that have been heard and decided before they are brought—appealed—to the justices. For the first hundred years of the nation's history Congress was wary of giving the Court too much responsibility, fearing in part that the justices might become too powerful. For example, through the Judiciary Act of 1789, Con-

gress granted the Court power to hear cases and controversies appealed to it based on diversity jurisdiction. This concept, contained in Article 3 of the Constitution, means that in order for a case to come to the Court, the parties to it must be from different, or diverse, states. Congress in 1789 could have granted the Court greater power by designating that it could hear any case—even if the parties were from the same state. The framers of the Constitution had also provided that Congress could specify that the justices could hear cases "arising under" the Constitution, but the members of the First Congress decided not to invoke the broader power that these words in Article 3 conveyed.

Since then, Congress has not only significantly expanded the Court's jurisdiction but has also given it greater discretion in deciding which cases to hear. The Court has increasingly moved from one that decided cases it had to, to a court that decided those cases it wanted to. In the early years of the Court, the justices typically heard cases based on a mandatory writ of error, an assertion by a plaintiff that a lower court had made a mistake of law. The justices were required to hear these cases. Not surprisingly, as the nation expanded, the docket of the high court grew dramatically. In the first ten years of the new nation, the justices heard just one hundred cases, but by the 1880s they were drowning, hearing and deciding more than six hundred cases a year.

Beginning in the late 1890s and gaining momentum in the 1920s, Congress granted the justices far more discretion over their docket. One of the most important steps was the Judiciary Act of 1925, a measure for which Chief Justice Taft lobbied intensively. It broadened the use of the writ of certiorari and brought an immediate decline in the numbers of cases heard and decided by the justices.

The law often relies on Latin words to convey meaning. For example, the word "writ" means a formal written order by a court commanding someone to do something or to refrain from doing something. Certiorari is a Latin word that means "to ascertain" or, more liberally translated, "to make more certain."

The words are important because this particular writ, or order, is meant to bring cases to the Court that will make the law more certain in areas where there is conflict. But as Tocqueville so wisely reminded us, the resolution of conflicting legal interpretations almost always has political repercussions. Through this writ a petitioner comes to the Court and asks that the justices order a case to be heard. The writ is discretionary; the Court is not required to issue it or hear a case from anyone seeking such a writ. There are more than seven thousand petitions for "cert" sent to the Supreme Court annually. Only a handful—less

than 2 percent—of these are accepted; the others are usually dismissed, almost always without written comment, leaving the parties to wonder why their plea for justice went unanswered. When that happens, the law stands as it was before. The denial of a writ of certiorari does not mean that the Court has decided that the lower court was correct; it only indicates that the justices are unwilling to make a decision, although as a matter of law the decision below stands.

The expanded use of the writ of certiorari and the declining use of the writ of error have helped the justices better manage their caseload. In recent years, the Court has decided as few as seventy cases a term, compared with the hundreds that it was deciding through most of the twentieth century. Moreover, with fewer cases to decide the justices are able to devote more time to the ones that they do decide. Throughout its history the Court has been important in resolving disputes, but it has become even more important in addressing major political issues, such as the limits of free speech, the boundaries of church-state relations, and reproductive rights. The Court can choose which cases it wishes to hear, and that means the justices can have an even deeper influence on the particular issues they do address, such as the rights of criminal defendants. And even when the justices refuse to hear a case they shape public policy by leaving the law to stand as it was. The broadened use of the writ of certiorari has permitted the Court to emerge as a tribunal of constitutional and statutory interpretation rather than as a mere forum to resolve disputes among parties making competing claims under the Constitution.

The Court has also further refined the rules that it imposes when considering which cases to decide. The most important of these is justiciability. That term entails an important principle: the justices will hear and decide only those disputes that are subject to being resolved through the judicial process. The Court's actions have political consequences, but the Court itself should not be overtly political. The rule of justiciability is the Court's way of deflecting those cases that seek to use it as a political rather than a legal tool. To be justiciable the dispute must present a real case and controversy, the parties to it must have a direct interest in it (called standing), it must be ready for decision (ripeness), and it must not have already been decided by other actions (mootness). For example, the Supreme Court, although not explicitly prohibited from rendering advisory opinions, early in its history decided that it would not do so. The justices reasoned that their future influence depended on being a court of law rather than a political forum.

The justices have also resisted hearing collusive suits (suits in which the parties conspire to bring a case before the Court) and ones that raise political questions (that is, questions better settled by the elected branches). As the contested role of the Court in the 2000 Presidential election between George W. Bush and Al Gore reminds us, the political questions doctrine has itself become the subject of controversy. In the 2000 election, the Court decided by a narrow margin that Al Gore, although he had won the popular vote nationally, could not have officials in Florida perform a recount of the ballots there to see whether he had captured that state's electoral votes. The Court's per curiam opinion made Bush the President of the United States. Critics charged that the Court was never intended to resolve such weighty political matters as who should be President and that the justices should never have agreed to hear the case in the first place.

These rules underscore that the Supreme Court is first and foremost a legal institution. Cases have to come to it; it cannot go looking for parties to plead cases of interest to the justices. Those who do appear must argue through the conventional processes of the law, including the use of the important concept *stare decisis* (literally, "let the decision stand"), or precedent. This idea holds that the justices should extend respect to previous decisions made by the Court as a way of promoting constitutional stability and certainty.

Controversy and constitutional change, however, have gone hand in hand on the Court. The Court is a place where advocates for conflicting political, social, economic, and cultural demands seek the blessing of the justices. Once again, Tocqueville had a critical insight. "Scarcely any political question arises in the United States that is not resolved, sooner or later," he observed, "into a judicial question." Americans generally and their political leaders especially have willingly transformed divisive political disputes—whether over slavery, the hours of work of men and women, the practice of segregation by race, or abortion—into constitutional conflicts. The Court's constitutional decisions, then, reflect the society it serves. Justice Oliver Wendell Holmes Jr. summed up matters nicely when he described the law as a "magic mirror" that reflected the assumptions, attitudes, and priorities of each generation. In that light, the Court can be thought of as the hand holding and turning that mirror. For example, through the nineteenth century, issues involving speech, press, church-state relations, and civil rights drew little attention from the justices. In the twentieth century, on the other hand, just such concerns have framed central conflicts in American society and dominated the Court's docket.

The Court's history has moved through clear phases or epochs. The first of these ran from the English founding in 1607 through the Constitutional Convention in 1787. Though neither the Court nor the Constitution existed, these years were nevertheless critical to establishing broad constitutional principles that endure to this day and to which the Court often turns. These included the value of a written constitution, the doctrine of limited government, the concept of federalism, and the idea of separation of powers.

From the nation's founding in 1787 through the end of Reconstruction in 1877, the most crucial constitutional issues were framed as conflicts between the states and the nation. These included disputes about the power of the federal courts in relation to their counterparts in the states, the power of the national government to regulate commerce, the right of property holders to remain free of regulation by either state or federal governments, and the expansion of slavery into the new territories and states. The struggle over state versus federal authority culminated in the secession movement, the Civil War, and Reconstruction. The constitutional legacy of the era appeared dramatically in the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution. Of these, the Fourteenth, through its due process, equal protection, and state action clauses, reframed the work of the high court for the following century and a quarter in the areas of civil liberties and civil rights.

Among the most pressing issues in America from 1877 to 1937 were industrialization and immigration. Industrialization raised new questions about the role of government in regulating the conditions of labor, the rights of laborers to organize, the rights of corporations to control and use their capital, and the appropriateness of government intervention in the marketplace. The First World War brought a direct challenge to the civil liberties of Americans and the first sustained debate in the Court about the scope of freedom of speech and press. Equally important, a wave of immigration and a newly freed black population raised questions about the authority of government to regulate social change. The justices were forced to fit a document crafted in the eighteenth century to the realities of the industrial market economy of the late nineteenth and early twentieth centuries.

Initially, the justices gave preference to the rights of property holders, raised strong objections to government involvement in the marketplace, and viewed corporations more favorably than unions in the struggle between capital and labor. The Great Depression, however, placed increasing pressure on government to take an active role

in the economy. The Court raised constitutional objections to many of President Franklin D. Roosevelt's solutions to the massive economic dislocation caused by the depression. In the face of FDR's proposal to pack the Court, the justices in 1937 retreated from their strong objections to government involvement in the economy and signaled their support for both state and federal initiatives designed to bolster the well-being of Americans.

After 1937 the Court again shifted gears, this time placing an emphasis on equality and such human rights as freedom of conscience, expression, and privacy. The emergence of the nation onto the world stage also posed new questions about the scope of Presidential power. The Second World War and then the Cold War, along with conflicts from Korea, to Vietnam, to Iraq, were accompanied by increasingly bold assertions about the authority of the chief executive in time of war. Moreover, the emergence of a national civil rights movement for African Americans, Native Americans, and Latinos, along with the emergence of feminism, tested the boundaries of long-accepted discriminatory practices in housing, employment, schooling, jury service, the right to hold and seek office, and the administration of the death penalty. It also produced a powerful counter-reaction from groups that believed the state should not engage in programs such as affirmative action that were designed to favor one group over another as a way of ameliorating the consequences of past discrimination.

These eras of the Court remind us of how the Court has mirrored the times while trying to administer the rule of law. That makes any determination about the most important cases in the history of the Court a challenge. Lawyers interested in serving the immediate needs of their clients might find the most important cases to be those that address a current point of constitutional law. Historians, on the other hand, may search for the impact of the Court over time, attempting to explain how crucial decisions have shaped and been shaped by conflicts in American society. Throughout these various epochs of its history, the Court has developed routine processes by which to dispatch its business.

The modern Court has settled on an established routine for its operations. The justices begin their term the first Monday in October and continue through the third week of June. They meet twice a week, typically on Wednesday afternoon, to hear cases argued on the previous Monday, and on Friday to hear cases argued on Tuesday and Wednesday. At these conferences they screen petitions, deliberate on cases that have been argued, and transact miscellaneous business. They do so in a paneled confer-

ence room to which they are summoned by a buzzer. Tradition requires that the justices exchange handshakes and then take preassigned seats around a long table with the chief justice at one end and the senior associate justice at the other end. Once the door closes the conference begins and no other person may enter.

The chief justice presides over the conference, making him first among equals and providing an important opportunity to exercise leadership. The chief directs the justices to consider the certiorari petitions that at least one of the justices considers worthy. Indeed, one of the chief's duties is to indicate to his colleagues why a particular petition should be considered on its merits. If four of the justices conclude that a case on this "discuss list" is sufficiently important, it will be added to the Court's docket for full briefing and oral argument. After the chief speaks, the other eight justices comment in order of seniority.

The chief is responsible for leading the discussion of cases that have been argued. He will start with a review of the facts in the case, its history, and the relevant legal precedent. In descending order of seniority, the other justices then present their views. The justices typically signal how they will likely vote on the case and on that basis the chief justice tallies the vote. If the chief justice is in the majority he will assign responsibility for preparing an opinion; if he is not, then the senior justice in the majority assumes that role. The greatest of the chief justices have used their power to assign opinions to shape the overall direction of the Court.

The conference is a critical stage in the development of the Court's work, but it is not the end of the process. The justice assigned to prepare an opinion will often work through several drafts, sharing her or his work with colleagues and invariably revising and refining the opinion in response to their comments. An important part of the Court's work is the informal interaction among the justices as they develop an opinion. A justice's opinion may well change through the process, and in especially difficult cases maintaining a majority can be challenging. The deliberations that began with the conference continue until the Court announces its decision, a process that can take months.

When the Court convenes in public, the justices sit according to seniority. The chief justice is in the center and the associate justices are on alternating sides, with the most senior associate justice on the chief justice's immediate right. The most junior member of the Court is seated on the left farthest from the chief justice.

To assist them through this process the justices have law clerks. The practice of hiring law clerks began

in 1882 when Justice Horace Gray hired a Harvard Law School graduate to assist him with his work on the Court. Today, a justice may have as many as seven clerks, who come from a pool of about 350 applicants to each justice, who has total control over whom is selected. Most of these clerks are graduates of prestigious law schools with extraordinary academic records who have usually clerked for a lower federal court judge. Their duties include reading, analyzing, and preparing memoranda for the justices and assisting in preparing opinions. Thirty-three clerks have gone on to become justices. They are today the most important of the Court's support staff, without whom the justices could not conduct their business.

Over the course of more than two centuries the justices have issued thousands of opinions. Culling from this long list the handful of decisions that represent pivotal moments in the Court's impact on American life is more an art than a science. With that consideration in mind, we have applied several general criteria. First, the Court's decision had to be a response to a pivotal public issue, which had a deep and abiding impact on the course of U.S. history. The *Dred Scott* case, for example, represents dead law. No lawyer today would attempt to defend a client based on the Court's actions. Still, the decision was a milestone in the history of the nation with regard to slavery. Second, a case must have overturned a significant precedent and thereby acted as a catalyst for political and social change. The benchmark case of *Brown v. Board of Education* (1954, 1955) signaled an end to segregation by race and opened a new chapter in the history of civil rights. Third, the Court's decision must include memorable and edifying statements of enduring American constitutional principles expressed in opinions of justices either for the Court or in dissent. The opinion of Chief Justice John Marshall in *McCulloch v. Maryland* (1819), for example, continues to resonate today because of Marshall's approach to the question of the powers of Congress and the Court and the memorable words with which he framed his opinion (for example, "the power to tax, is the power to destroy"). We likewise turn to Justice John Marshall Harlan's dissent in *Plessey v. Ferguson* (1896) precisely because it so forcefully rejected the majority's view that race relations could never change.

Fourth, the Court's decision must have been a definitive or illuminating response to an issue about a core principle of American constitutionalism, such as federalism, separation of powers, checks and balances, civil liberties, or civil rights. The justices' decision in *United States v. Nixon* (1974) dealt with the fundamental idea that the President is not above the law and the belief that the Court

has a duty to establish the outer boundaries of executive privilege. Fifth, the Court's decision in some way must be included in the content standards or curricular frameworks of state departments of education, an indicator of the case's importance in cultivating standards of civic education.

Sixth, and finally, we have selected cases that tell compelling stories about the personal courage required to bring and sustain a case before the high court, whether on the winning or the losing side.

We also settled on this list of cases because individually and collectively each of them contributed to the dramatic rise in the high court's powers. Not all Americans have agreed with the Court's decisions; indeed, not all Americans agree that the Court should have the final word in saying what the Constitution means. The debates about the justices' powers today stand in sharp relief from the promise made by Alexander Hamilton in *The Federalist* No. 78 that the Court would be the "least dangerous branch" to the liberties of Americans. What has emerged is a powerful national institution that has through its history staked out the right to review the constitutionality of the actions of the other branches of federal government and of state governments. This power of judicial review, nowhere explicitly specified in the Constitution, has been a flashpoint for controversy. That power, however, could not have been exercised had the justices not also achieved independence from direct popular and political pressure. But, most important, the Court has fostered successfully the concept of judicial sovereignty. This idea holds, in simple terms, that what the Court says the Constitution means is what it means; its power to interpret the Constitution is final, unless and until it is amended by the people.

No matter how one feels about the current power exercised by the justices, there is no disputing that historically they have played and continue to play an extraordinary role in American life. The United States has had only one national constitutional convention, in part because the Supreme Court has emerged as a kind of continuing constitutional convention, adjusting and modifying the ruling document to suit changing demands. Each case in this volume reminds us of how central the development of judicial review, judicial independence, and judicial sovereignty have been not only to the fate of the Court but to our entire constitutional experiment. As Justice Holmes might have noted, the Supreme Court has been a mirror of America.

Epilogue

“We Are All Slaves of the Law”



The pivotal Supreme Court cases described in this book remind us that our constitutional system places change and continuity in constant tension. And that is just what the framers of the Constitution intended. They wanted the Constitution to be difficult to change because its predictability is essential to its legitimacy. We believe in the Constitution when we know that it will be applied in a stable, routine way. But the framers, faced in Philadelphia with the need to compromise over issues such as slavery and the representation of the states in the new government, purposefully crafted a short, incomplete document. The original U.S. Constitution was one of the briefest in the history of the world, only 4,069 words exclusive of the signers' names and subsequent amendments. Today, with twenty-seven amendments, it is only 7,606 words long.

The framers also knew that those areas of government they did not address when they wrote the Constitution would have to be considered as the document was adapted to changing circumstances. A static constitution was as sure to lose its base of popular support as one that was constantly undergoing change. The device they provided for adapting the Constitution was the amendment process outlined in Article 5. In order to change the Constitution, Congress has to pass a proposed amendment by a two-thirds majority and then have it ratified by three-quarters of the states, a very demanding and time-consuming process. In the nation's more than two-hundred-year history, only thirty-three such proposals, including the twenty-seven that were ultimately ratified, have been sent to the states. Of the twenty-seven amendments, ten, collectively called the Bill of Rights, were ratified in 1791. Today, members of Congress propose an average of two hundred amendments each term, with the vast majority dying in the same place they were born.

The framers did provide an even more dramatic means of changing the Constitution—a constitutional convention that would meet if two-thirds of the state legislatures applied to Congress to hold one. Efforts to hold a second convention have routinely failed, largely because of fears that a new convention might get out of control and go beyond the purpose for which it was originally called. The most serious attempt occurred on the eve of the Civil War.

Outgoing President James Buchanan urged a convention to deal with the future of slavery, as a way of preventing the secession of the southern states, but incoming President Abraham Lincoln and the Congress rejected his plea.

Despite the difficulties associated with amending the Constitution by means of Article 5, the nation's ruling document has been adapted, sometimes dramatically, to social circumstances the framers did not contemplate. The instrument for doing so has been the Supreme Court, making it, for better or worse, a kind of continuing constitutional convention.

The justices have made themselves indispensable to the American scheme of government by establishing three broad concepts. These are: judicial review (the right to review and, if necessary, set aside not only acts of Congress and the President, but also those of state governments, including state courts and legislatures); judicial independence (the concept that the Court is free of political entanglements and that its actions are controlled by principles of law not politics); and, perhaps the most important of all, judicial sovereignty (the idea that what the justices say about the Constitution is final and authoritative).

Because the justices have successfully established their right to decide conclusively the meaning of the Constitution and because their decisions almost always leave one party unhappy, critics of the Court have argued that it has become too powerful. They typically complain that the Court has been too activist, meaning that it has been willing to substitute its views for those of the elected branches of government. It would be far better, these critics argue, for the justices to adhere to the intentions of the framers of the Constitution. Others, however, insist that the Court cannot be restrained by what they describe as the dead hand of the past; in their view, the nation's ruling document has to fit the times if it is to be legitimate.

As a matter of history, the Court has actually embraced a bit of both of these views, as its landmark decisions remind us. The justices are not free to exercise their power any way they wish; even though the Court's power has grown, it remains constrained in what it can do. For example, in order to render a decision, a litigant has to bring them a dispute. They cannot simply issue opinions on their own without first hearing a case. Moreover, the

justices must rely on others to enforce those decisions. As Alexander Hamilton wrote in *The Federalist* No. 78, the justices command neither the power of the sword nor of the purse. And the Court cannot perpetuate itself; instead, the President nominates its members, with the advice and consent of the Senate.

The justices are also beholden to Congress for most of their jurisdiction to hear cases. While the Constitution in Article 3 outlines the jurisdiction of the Court, it places in the hands of Congress considerable authority to specify the circumstances under which that power can be exercised. Article 3 of the Constitution provides that “The Judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.” Congress can limit or expand the jurisdiction of the Court; Congress can add or subtract justices.

Over two centuries the Court as an institution has changed, almost always with the blessing of Congress. The size of the Court has grown, from six to nine justices. The Court has had many homes, from its quarters in the old Senate chamber in the Capitol to the marble palace of today. As in the federal government as a whole, the work of the Court has grown to meet the demands of an expanding nation. In the first decade of the Court’s history the justices decided just one hundred cases; today the Court has as many as ten thousand cases brought to it annually. An equally important development has been the willingness of Congress to expand the certiorari jurisdiction of the Court, which has given the justices greater control over the cases they ultimately decide. Out of the thousands of cases it could potentially decide, the Court today usually issues written opinions in seventy to eighty. As its discretion to pick and choose among those cases has grown so, too, has its power and visibility.

Many of its pivotal decisions, such as *Brown v. Board of Education* (1954, 1955), reveal that the justices have understood that if they try to reach too far and too fast, they are likely to suffer a backlash. Indeed, that is exactly what happened in response to their decisions involving slavery in the territories, *Scott v. Sandford* (1858), and the New Deal. The latter produced President Franklin Roosevelt’s ill-fated court-packing scheme.

Although there are some who might wish that the Court would remain anchored in the past, its history has been one of adapting American constitutional law to changing social circumstances, often in subtle ways. Take for example the authority that the justices cite to make decisions. Although the Court is above all an institution of law that relies on legal precedents, its justices in the twen-

tieth century turned increasingly to fields outside the law (sociology, psychology, statistics, and the social sciences generally) to support their opinions. The groundbreaking Brandeis brief in *Muller v. Oregon* (1908), which relied heavily on statistics about the impact of factory work on women, established a pattern of using nonlegal materials that was amplified in *Brown* and other cases.

The Court has changed its views on critical matters, as the cases in this volume so often remind us. And when the Court has changed its mind, it has produced some of the most memorable moments in the history of the nation. We might prefer a Supreme Court founded on the idea of original intent, that is, a Court that constantly refers to the wishes of the framers of the Constitution. But its most important decisions reveal that while the justices have kept an eye to precedent and the work of the Philadelphia convention, they have also been willing to gaze decisively into the future when confronted with new realities, such as abortion and affirmative action, that the framers did not envision.

The high court has been something of a magic mirror that reflects back to us the assumptions and values of earlier times. Its decisions remind us how important it is that the Court has the power and opportunity to change its mind. In the *Scott* decision (1857), the justices approved the institution of slavery and issued the sobering declaration that “persons of African descent have no rights which the white man is bound to respect.” A century later, in *Brown*, the justices ended the practice of racial segregation in public schools and challenged America to live up to the pledge of “equal justice under law,” words that are carved above the entrance to the Supreme Court.

These historic cases also remind us that disputes in society about how to deal with controversial issues are repeatedly framed through constitutional arguments. Ours is truly a dynamic constitutional order. Alexis de Tocqueville, a French writer who traveled across early nineteenth-century America, wrote one of the great surveys of American life, *Democracy in America* (1835, 1840). He slyly observed that “there is hardly a political question in the United States which does not sooner or later turn into a judicial one.” Congress has often found it useful to expand the powers of the Court so that the justices can address legally matters, such as slavery in the territories and apportionment of legislative districts, that would be difficult to compromise on politically.

Social change has often meant new challenges (and opportunities) for the justices. The Civil War left a bloody wound in America’s heart, but it also produced the Thirteenth, Fourteenth, and Fifteenth Amendments. These

amendments, especially the Fourteenth, gave the justices new opportunities to reassess such critical issues as federalism, the rights of the accused, the scope of freedoms of speech and press, the relationship between church and state, and race relations. The justices also seized the wording in the due process clause of the Fourteenth Amendment to develop through substantive due process whole new areas of law involving privacy, women's rights, and the related issues of birth control and abortion.

The Court is not today and historically never has been a runaway train. It is, at its heart, a legal institution, one shaped by the institutions and traditions of the law. The Court listens to lawyers who typically frame their arguments through the law's language and processes, crafts its decision through that same language and those same processes, and sustains itself through the idea that it above all other institutions embodies the rule of law, meaning that no person is above the law.

The Supreme Court is a powerful institution and its justices have become an integral part of American government. The closely fought Presidential election of 2000 turned on a decision by the high court about who would become the nation's chief executive. Although many commentators condemned the Court for tackling a political question, the American people as a whole embraced the Court's decision, in part because they held the justices in such high regard and in part because they so distrusted the political process that might have otherwise resolved the election results. As Justice Robert H. Jackson once observed, the justices "are not final because we are infallible, but we are infallible only because we are final."

The Court's most significant decisions also affirm the pragmatism of the framers and of the justices who interpret the Constitution they created. The framers knew they were creating a legal institution with a human dimension. It makes a difference who sits on the Court. The nation's most important legal body is, after all, composed of human beings who bring a variety of experiences and talents to the bench, although they are bound together by being trained in the law. The process by which Supreme Court justices are selected (appointment by the President with the advice and consent of the Senate) has always been political. For example, the selections of John Roberts and Samuel Alito, both made by George W. Bush, would be unthinkable had Al Gore been President.

Yet the justices have not been mere extensions of the Presidents who selected them. Tenure during good behavior and freedom from having their salaries reduced gives them a high degree of independence. We should not be surprised that they have often behaved accordingly. For-

mer President Dwight Eisenhower, when asked what his biggest mistakes had been, reputedly replied: the appointments of Earl Warren and William J. Brennan Jr. Both justices proved far more liberal than either Eisenhower or his Republican Party would have liked. President Richard Nixon appointed Warren Burger in the hope that he would be a social conservative and a supporter of Presidential power. Burger ended up voting in favor of women having a right to an abortion in *Roe v. Wade* (1973) and ordering Nixon to turn over the Watergate tapes in *United States v. Nixon* (1974). And the list could go on. Scholars estimate that about half of the justices who have served have taken positions consistently at odds with the Presidents who appointed them.

The question of what qualities make for great or failed Supreme Court justices has stirred considerable debate. Some commentators insist that the intellectual ability to deal with the complex legal issues that come before the Court is critical. That means that a great justice must also be a great lawyer, but one of a special sort. A vision for what law can be rather than for what it is seems to be critical, especially in eras marked by powerful social change, such as the Civil War and the Great Depression. An old Yugoslav proverb holds that "If you want to know what a man is, place him in a position of authority." The greatest of our justices have, in the end, been those who have grown in response to and have been shaped by the authority vested in them. Some of the greatest justices in the Court's history, notably Oliver Wendell Holmes Jr. and John Marshall Harlan, were important as much for their dissents, which were later embraced by the majority, as for the majority opinions they wrote for the Court. Leadership and persuasiveness, the ability to encourage fellow justices to see in new ways and then to lead them there, have also been valuable talents. A justice has to be able to write not only clearly but persuasively and to argue in the close quarters of the conference in a way that can build and hold the votes necessary to forge a majority.

In order to be a great justice, it is also necessary to have spent an extended period of time on the Court. A justice may be a quick study, but in order to have a lasting impact he or she must persist for at least a decade. John Marshall, for example, was the Court's greatest chief justice not only because he had extraordinary leadership skills but because he exercised those skills over thirty-four years of service (1801–1835). Learning to be a justice, whether for better or worse, takes time, but it is equally true that, because change in the law often comes gradually, endurance is important in shaping it.

These great cases also remind us that the justices mix

pragmatism with nobility. The justices have not left an unalloyed legacy of support for equality, freedom, and fairness. During periods of national crisis the Court has frequently deferred to the executive branch to the detriment of individual liberty, as its decisions in *Schenck v. United States* (1919) and *Abrams v. United States* (1919) during World War I underscore. In the Japanese American internment cases of World War II, the Court tragically permitted the detention of thousands of Japanese American citizens in one of the worst moments in its history. Perhaps the best we can say is that the high court is, like every other feature of American government, imperfect, an institution that, like the American people, is fully capable of holding contradictory views simultaneously.

Yet, its imperfections notwithstanding, the Court has had the unique role of being America's most visible manifestation of the rule of law. The Constitution has evolved into America's civic religion, a collection of words whose noblest principles rally a nation. The justices who interpret those words are its high priests; their opinions shape the contours of American life. For these efforts the justices and their Court have earned praise, provoked criticism, and generated controversy.

There is no doubt that the Supreme Court's principal role has been to remind us that the law generally and constitutional law in particular cannot be a game of roulette. We depend on the justices and the high court to exercise a limited degree of discretion in return for a high degree of certainty. As a matter of history, the justices have performed this task sufficiently well that there has been no need for a second constitutional convention. It is left to the justices to wrestle with applying the rule of law while acknowledging that the Constitution rests on a base of popular will that is articulated in its Preamble with the words "We the People."

The Roman philosopher Cicero summed matters up nicely with the observation that "We are all slaves of the law that we may enjoy freedom." The framers of the Constitution, schooled as they were in the classics, knew and appreciated this basic insight. One of the most important reasons that they created the Court—and one of the most important reasons it has played such a critical role in our history—is that it has maintained the concept of the rule of law as an essential, if sometimes not fully realized, element of our liberty.

Glossary of Court-Related Terms

acquittal -- a decision by a court that a person charged with a crime is not guilty.

affirm -- to uphold a decision reached by a lower court.

appeal -- a request, usually made after a trial, asking another court (usually the court of appeals) to decide whether the trial court proceeding was conducted properly. To make such a request is "to appeal" or "to take an appeal."

appeals court -- an intermediate court of the federal judicial system or a state appellate court. Not all states have intermediate-level courts, but of those that do, many are called the Court of Appeals. In some states, appeals are divided between a court of criminal appeals and a court of civil appeals. In other states there are specialized appeals courts as well. For example, in Pennsylvania, the Commonwealth Court handles appeals when a state agency is a party. (see appellate court)

appellate court -- a court that reviews decisions of lower courts. In the federal courts, the primary appellate courts are the U.S. courts of appeals and the U.S. Supreme Court.

arraignment -- a formal stage of the criminal process in which the defendants are brought before a judge, confronted with the charges against them, and they enter a plea to those charges.

Article I courts -- special courts created by Congress (legislative courts).

Article III courts -- system federal courts established under Article III of the U.S. Constitution which states: "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

bench trial -- a trial, without a jury, conducted before a judge.

brief -- a written argument of law and fact submitted to the court by an attorney representing a party having an interest in a lawsuit.

case -- a legal dispute or controversy involving a civil or criminal lawsuit or action brought to a court for resolution. Cases can be resolved by a court after fact-finding or resolved by agreement of the parties or some other third party such as an arbitrator or administrative judge.

case law -- law that has evolved from past court decisions, as opposed to law created by legislative acts.

case or controversy rule -- the constitutional requirement that courts may only hear real disputes brought by adverse parties. (see Article III, Section 2).

certiorari -- an order by a court requiring that the lower court produce the records of a particular case tried so that the reviewing court can inspect the proceedings and determine whether there have been any irregularities. Almost all parties seeking review of their cases in the U.S. Supreme Court file a petition for a writ of certiorari. The Court issues a limited number of writs, thus indicating the few cases it is willing to hear among the many in which parties request review.

Glossary of Court-Related Terms

chief judge -- the judge who has primary responsibility for the administration of a court, but also decides cases. Chief appellate judges and chief district judges take office according to rules regarding age and seniority; chief bankruptcy judges are appointed by the district judges of the court.

Chief Justice -- the "first among equals" on the U.S. Supreme Court, who has numerous responsibilities for the administration of the federal judicial system as well as for hearing cases. The President appoints the Chief Justice, with approval of the Senate, when a vacancy occurs in the office.

circuit -- the regional unit of federal judicial appeals. Congress has divided the federal judicial system into twelve regional circuits (the eleven numbered circuits and the District of Columbia Circuit). In each circuit is a court of appeals to hear appeals from district courts in the circuit, and a circuit judicial council to oversee the administration of the courts of the circuit.

circuit court -- an informal name for a U.S. court of appeals (also the name of some state trial courts).

civil law -- The body of law dealing with the private rights of individuals, as opposed to the criminal law.

class action -- A lawsuit brought by one person or group on behalf of all persons who have the same interests in the litigation and whose rights or liabilities can be more efficiently determined as a group than in a series of individual suits.

court -- an agency of government authorized to resolve legal disputes. Judges and lawyers sometimes use the term *court* to refer to the judge, as in "the court has read the pleadings."

complaint -- a written statement by the person (called the "plaintiff") starting a civil lawsuit which details the wrongs allegedly committed against that person by another person (called the "defendant").

conviction -- the final judgment entered after a finding of guilt.

criminal law -- law governing the relationship between individuals and society. Deals with the enforcement of laws and the punishment of those who, by breaking laws, commit crimes.

damages -- money that a defendant pays a plaintiff in a civil case that the plaintiff has won, to compensate the plaintiff for loss or injury.

default judgment -- a judgment against the defendant awarding the plaintiff the relief demanded in the complaint because of the defendant's failure to appear in court. A summons must notify the defendant that failure to appear and defend against the lawsuit in a timely manner will result in the court's entry of a default judgment.

defendant -- a party at the trial level being sued in a civil case or charged with a crime in a criminal case. In a civil action, the party denying or defending itself against charges brought by a plaintiff. In a criminal action, the person accused by the government of breaking the law.

Glossary of Court-Related Terms

deposition -- a frequently used means of obtaining discovery in civil cases, in which the attorney who requested the deposition questions a party, witness, or any person with information about the case, and the person (the deponent) answers under oath.

discovery -- A pretrial procedure whereby one party to a lawsuit gains access to information or evidence held by the opposing party.

dissenting opinion -- an opinion by a judge who disagrees with the result reached by the court in a case.

district court -- the trial courts of general jurisdiction in the federal system.

diversity jurisdiction -- The authority of federal courts to hear cases in which a party from one state is suing a party from another state. (also called "diversity of citizenship" jurisdiction).

docket -- the schedule of cases to be heard by a court.

due process -- government procedures that follow principles of essential fairness.

en banc -- an appellate court hearing with all the judges of the court participating.

equitable -- dealing fairly and equally.

evidence -- information in the form of testimony, documents, or physical objects that is presented in a case to persuade the fact finder (judge or jury) to decide the case for one side or the other.

Establishment Clause -- The establishment clause prevents the government from creating a church, endorsing religion in general, or favoring one set of religious beliefs over another.

federal courts -- courts established under the U.S. Constitution. The term usually refers to courts of the federal judicial branch, which include the Supreme Court of the United States, the U.S. courts of appeals, the U.S. district courts (including U.S. bankruptcy courts), and the U.S. Court of International Trade. Congress has established other federal courts in the executive branch, such as immigration courts.

federal-question jurisdiction -- the federal district courts' authorization to hear and decide cases arising under the Constitution, laws, or treaties of the United States.

federalism -- a principle of our Constitution which gives some functions to the U.S. government and leaves the other functions to the states. The functions of the U.S. (or federal) government involve the nation as a whole and include regulating commerce that affects people in more than one state, providing for the national defense, and taking care of federal lands. State and local governments perform such functions as running the schools, managing the police departments, and paving the streets.

felony -- a serious criminal offense, usually punishable by incarceration of one year or more.

Glossary of Court-Related Terms

file -- (1) to submit (a legal document) to the proper office (as the office of a clerk of court) for keeping on file among the records; (2) to initiate (a judicial or administrative proceeding) by submitting the proper documents or following proper procedure.

final decision -- a court's decision that resolves the claims of the parties and leaves nothing further for the court to do but ensure that the decision is carried out. The U.S. courts of appeals have jurisdiction over appeals from final decisions of U.S. district courts.

grand jury -- a panel of twelve to twenty-three citizens who review prosecutorial evidence to determine if there are sufficient grounds to issue an indictment binding an individual over for trial on criminal charges.

habeas corpus -- "You have the body." A writ issued to determine if a person held in custody is being unlawfully detained or imprisoned.

hearsay -- testimony not based on the personal knowledge of the witness, but a repetition of what the witness has heard others say.

held -- express as a judgment, opinion, or belief.

in forma pauperis -- "In the form of a pauper." A special status granted to indigents that allows them to proceed without payment of court fees and to be exempt from certain procedural requirements.

indictment -- a document issued by a grand jury officially charging an individual with criminal violations and binding the accused over for trial.

injunction -- a writ prohibiting the person to whom it is directed from committing certain specified acts.

judge -- a governmental official with authority to preside over and decide lawsuits brought to courts.

judgment -- the official decision or determination of a court in a case. Can also be called "decision," "opinion," or "order" of the court.

judicial review -- judicial review is the power of an independent judiciary, or courts of law, to determine whether the acts of other components of the government are in accordance with the constitution. Any action that conflicts with the constitution is declared unconstitutional and therefore nullified. Thus, the judicial department of government may check or limit the legislative and executive departments by preventing them from exceeding the limits set by the constitution.

judiciary -- the branch of government created by Article III of the Constitution which has the power to interpret the Constitution and laws passed by Congress. The courts determine whether the other branches of government are operating as the Constitution requires but must work with the other two branches to ensure that its orders are obeyed.

jurisdiction -- (1) the legal authority of a court to hear and decide a certain type of case; (2) the geographic area over which the court has authority to decide cases.

Glossary of Court-Related Terms

jury -- a group of citizens whose duty is to weigh evidence fairly and impartially and decide the facts in a trial (see petit jury) or to decide whether evidence against a defendant is sufficient to file an indictment charging him or her with a crime.

justice – the quality of being just, impartial, or fair; the principle or ideal of just dealing; the establishment or determination of rights according to law or equity; fair, just, or impartial legal process.

Justice Department -- the agency of the federal executive branch with responsibilities in a wide range of areas bearing on the administration of justice and enforcement of laws passed by Congress. The Justice Department is responsible for investigating alleged criminal conduct, deciding which cases merit prosecution in the federal courts, and prosecuting those cases. It also represents the U.S. government in many civil actions.

law -- a law is a public rule that is issued by an established authority, backed by an institutional structure and enforced by sanctions. In the United States, a federal law is typically enacted when a measure passes a majority vote in both the House of Representatives and the Senate and is then signed by the president. A measure can become law without the president's signature if it passes by a 2/3 vote in both the House and the Senate. State laws are usually created by a similar process, with legislatures and governors taking the place of Congress and the president.

lawsuit -- any one of various proceedings in a court of law.

legislative court -- A court created by Congress under authority of Article I of the Constitution to assist in carrying out the powers of the legislature.

litigant -- a party to a lawsuit.

magistrate -- a low level judge with limited authority.

majority opinion -- an opinion in a case written by one judge in which a majority of the judges on the court join.

misdemeanor -- a less serious criminal act, usually punishable by less than one year of incarceration.

mistrial -- a trial that is prematurely ended by a judge because of procedural irregularities.

motion -- a request made to a court for a certain ruling or action.

nolo contendere -- No contest. A plea entered by a criminal defendant in which the accused does not admit guilt but submits to sentencing and punishment as if guilty.

opinion of the court -- a judge's written explanation of a decision in a case or some aspect of a case. An opinion of the court explains the decision of all or a majority of the judges. A dissenting opinion is an opinion by one or more judges who disagree with the majority. A concurring opinion is an opinion by one or more judges that agrees with the decision of the majority but offers further comment or a different reason for the decision. A per curiam opinion is an opinion handed down by an appellate court but not signed by an individual judge.

order -- a written command issued by a judge.

Glossary of Court-Related Terms

oral argument -- in appellate cases, an opportunity for the lawyers for each side to appear before the judges to summarize their positions and answer the judges' questions.

original jurisdiction -- the authority of a court to try a case and to decide it, as opposed to appellate jurisdiction.

panel -- (1) in appellate cases, a group of three judges assigned to decide the case; (2) in the process of jury selection, the group of potential jurors from which the jury is chosen; (3) in criminal cases, a group of private lawyers whom the court has approved to be appointed to represent defendants unable to afford to hire lawyers.

party -- one of the litigants. At the trial level, the parties are typically referred to as the plaintiff and defendant. On appeal, they are known as the appellant and appellee, or, in some cases involving administrative agencies, as the petitioner and respondent.

petit jury -- a trial court jury to decide criminal or civil cases.

petitioner -- someone who files a petition with a court seeking action or relief, including the plaintiff or appellant. When a writ of certiorari is granted by the Supreme Court, the party seeking review is called the petitioner, and the party responding is called the respondent.

plaintiff -- an individual or group that institutes a legal action or claim.

plea -- in a criminal case, the defendant's statement to the court that he or she is "guilty" or "not guilty" of the charges.

pleadings -- in a civil case, the written statements of the parties stating their positions about the case.

precedent -- a court decision in an earlier case with facts and legal issues similar to a dispute currently before a court. Judges will generally "follow precedent"- meaning that they use the principles established in earlier cases to decide new cases that have similar facts and raise similar legal issues. A judge will disregard precedent if a party can show that the earlier case was wrongly decided, or that it differed in some significant way from the current case.

pro se -- a person who appears in court without an attorney.

procedural justice -- justice pursued through due process of law to resolve conflicts between individuals or between individuals and their government. The government administers fair and impartial procedures equally to everyone under its authority in order to settle disputes among them or to prosecute persons charged with crimes against the state.

When procedural due process prevails, conflicts are settled in an orderly and fair manner in a court of law, according to the rule of law, and not by the arbitrary actions of people in power. This equal justice under the law regulates the interactions among private individuals and between individuals and government. Punishments, such as incarceration in prison, payment of fines, or performance of community service, may be carried out against a wrongdoer. One party harmed by another may receive compensation from the perpetrator of the grievance.

Glossary of Court-Related Terms

probable cause -- the legal standard defining the amount of evidence or information needed to justify a search or an arrest. The Fourth Amendment requires that arrests and searches made by law enforcement officers be justified by probable cause. An arresting officer has probable cause for an arrest only if there is enough reliable information or evidence to support the officer's reasonable belief that a crime has been committed and that the defendant committed it.

prosecute -- to charge a person or organization with a crime and seek to gain a criminal conviction against that person or organization.

record -- all the documents filed in a case and a written account of the trial proceedings.

remand -- to send a case back to an inferior court for additional action.

respondent -- the individual or group compelled to answer or defend claims or questions posed in a court by a petitioner; also, the person or group against whom a petition, such as a writ of habeas corpus seeking relief is brought, or a person or group who wins at trial and defends that outcome on appeal.

reverse—the act of an appellate court setting aside the decision of a trial court. A reversal is often accompanied by a remand to the lower court for further proceedings.

rule of law -- The rule of law exists when a state's constitution functions as the supreme law of the land, when the statutes enacted and enforced by the government invariably conform to the constitution.

The rule of law, however, is not merely rule by law; rather, it demands equal justice for each person under the authority of a constitutional government. So, the rule of law exists in a democracy or any other kind of political system only when the following standards are met:

- laws are enforced equally and impartially
- no one is above the law, and everyone under the authority of the constitution is obligated equally to obey the law
- laws are made and enforced according to established procedures, not the rulers' arbitrary will
- there is a common understanding among the people about the requirements of the law and the consequences of violating the law
- laws are not enacted or enforced retroactively
- laws are reasonable and enforceable

sentence -- a judgment of the court imposing punishment upon a defendant for criminal conduct.

settlement -- an agreement between the parties to a lawsuit to resolve their differences among themselves without having a trial or before the judge or jury renders a verdict in a trial.

sequester -- (1) the court's exclusion of witnesses from the courtroom until they testify, so that their testimony will not be influenced by the testimony of prior witnesses; this practice is normally available if counsel request it, but does not apply to parties, who have the right to be present in court throughout the trial; (2) the court's requirement that jurors remain isolated while deliberating on a case because justice requires that they be protected from outside influences.

Glossary of Court-Related Terms

state court -- a court established in accordance with a state constitution that has the jurisdiction to decide matters of law. State courts are courts of general jurisdiction, meaning that they can handle matters of both state and federal law. They are usually governed by rules of procedure set up by the highest court in the state.

statute -- a law passed by a legislature.

subpoena -- (Latin "under penalty") A writ commanding a person to appear before a court or other tribunal, subject to a penalty for failing to comply.

Supreme Court of the United States -- the highest court in the judicial branch of the U.S. government; the court of last resort. It is the only court specifically established by the Constitution in Article III. Congress is given the power to establish the other lower federal courts. Currently the Supreme Court sits in Washington D.C. and has nine Justices.

tort -- a civil wrong for which a remedy may be obtained, usually in the form of damages; as breach of a duty that the law imposes on everyone in the same relation to one another as those involved in a given transaction.

trial -- the proceeding at which parties in a civil case, or the government and the defense in a criminal case, produce evidence for consideration by a fact finder in court. The fact finder, who may be a judge or a jury, applies the law to the facts as it finds them and decides whether the defendant is guilty in a criminal case or which party should win in a civil case.

trial court -- court in which trials take place at the local or district level.

trial jury -- see petit jury

U.S. Attorney -- a lawyer appointed by the President, in each judicial district, to prosecute cases for the federal government and represent the government in civil actions.

U.S. bankruptcy court -- a federal court that hears and administers matters that arise under the Bankruptcy Code. Although it is a unit of the district court and technically hears cases referred to it by the district court, for most practical purposes it functions as a separate administrative unit.

U.S. court of appeals—a federal court that reviews decisions of the district court when a party in a case asks it to. Some use *circuit court* to refer to the court of appeals, although technically *circuit court* refers to a federal trial court that functioned from 1789 to the early twentieth century.

U.S. Court of Appeals for the Federal Circuit—a federal court of appeals located in Washington, D.C., whose jurisdiction is defined by subject matter rather than geography. It hears appeals only in certain types of cases, including those involving patent laws and those decided by the U.S. Court of International Trade and the U.S. Court of Federal Claims.

U.S. Court of Federal Claims —a special trial court with nationwide jurisdiction which hears cases involving money damages in excess of \$10,000 against the United States, including disputes over federal contracts, federal takings of private property for public use, and rights of military personnel. With the approval of the Senate, the President appoints U.S. Court of Federal Claims judges for fifteen-year terms.

Glossary of Court-Related Terms

U.S. district court—a federal court with general trial jurisdiction. It is the court in which the parties in a lawsuit file motions, petitions, and other documents and take part in pretrial and other types of status conferences. If there is a trial, it takes place in the district court. Also referred to as a *trial court*.

uphold -- to allow a lower court's decision to stand as is. After reviewing the lower court's decision, an appellate court may uphold or reverse it. Compare with "reverse."

verdict -- a petit jury's or a judge's decision on the factual issues in a case.

warrant -- a judicial order authorizing an arrest or search and seizure.

witness -- a person called upon by either side in a lawsuit to give testimony before the court.

writ -- a written order of a court commanding the recipient to perform or not to perform certain specified acts.

Sources for Definitions:

- [Annenbergclassroom.org](#) -- Student Voices: Glossary
- [FactChecked](#) -- Dictionary
- [Federal Judicial Center: Inside the Federal Courts](#) -- Definitions
- [FindLaw](#) -- Law Dictionary
- [Justice Learning](#) -- Democracy Glossary
- [OYEZ](#) -- Glossary of Legal Terms

WHERE TO OBTAIN SUPREME COURT OPINIONS

(August 2007)

This list of Supreme Court opinion publishers was compiled, and is updated annually, by the staff of the Supreme Court of the United States for use by the Court and the public. It is intended to be as complete as possible and includes every opinion issuer of which the staff is aware. Any exclusion from the list is inadvertent; legitimate sources will be added upon submission of the appropriate information. Subscribers to the Court's Project Hermes opinion service are designated (H) on the list. Caution: Inclusion on the list does not constitute endorsement by the Court, and the Court does not vouch for the accuracy, completeness, or currency of any unofficial source. In the case of any variance between versions of opinions published in the official United States Reports and any other source, whether print or electronic, the United States Reports controls.

OFFICIAL OPINION SOURCES

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United States Reports

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Supreme Court of the United States
One First Street, NE
Washington, DC 20543

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Supreme Court of the United States
Washington, DC 20543
Phone: 202-479-3211

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Phone: 202-512-1800 or 866-512-1800
Fax: 202-512-2250

ELECTRONIC:

Project Hermes (bench opinions—by subscription only)

**Director of Data Systems
Supreme Court of the United States
Washington, DC 20543**

Website (slip opinions and bound volumes)

**Public Information Officer
Supreme Court of the United States
Washington, DC 20543
—Internet: <http://www.supremecourtus.gov>**

UNOFFICIAL OPINION SOURCES

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Reprints of United States Reports

**William S. Hein & Co.
1285 Main Street
Buffalo, NY 14209-1987
Phone: 716-882-2600 or 800-828-7571
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Supreme Court Reporter

**Thomson West
610 Opperman Drive
Eagan, MN 55123
Phone: 800-328-2209
—Internet: <http://www.west.thomson.com>**

Supreme Court Reports, Lawyers' Edition

**LexisNexis * Matthew Bender
Attn: Customer Service
1275 Broadway
Albany, NY 12204-2694
Phone: 800-833-9844 or 800-223-1940
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United States Law Week
Bureau of National Affairs, Inc.
1231 25th Street, NW
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—Internet: <http://www.bna.com>

MICROFILM/MICROFICHE:

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Phone: 808-235-2200 or 800-235-4446
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Bethesda, MD 20814-6126
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651-987-7000

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408-524-4799

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—Internet: <http://www.findlaw.com/casecode/supreme.html>

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FedWorld: Federal Legal Information Through Electronics (H)
—Internet: <http://supcourt.ntis.gov> or <http://www.fedworld.gov>

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Fax: 202-512-2104
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—Internet: http://www.access.gpo.gov/su_docs/supcrt/index.html

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Legal Information Institute (H)
Cornell Law School
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—Internet: <http://www.law.cornell.edu/supct/index.html>

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—Internet: <http://www.lexisnexis.com>

Oyez * U. S. Supreme Court Media
—Internet: <http://www.oyez.org>

Quicklaw, Inc. (H) [LexisNexis Canada, Inc.]

PO Box 2080, 2 Gore St.

Kingston, Ontario

Canada K7L 5J8

Phone: 800-267-9470

—Internet: <http://www.quicklaw.com> or www.lexisnexis.ca/ql

USSC+

InfoSynthesis, Inc.

13330 Edinorough Way #1610

Edina, MN 55435

Phone: 952-426-1744

—Internet: <http://www.usscplus.com>

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Redmond, WA 98052

Phone: 425-250-0142

Internet: <http://www.versuslaw.com>

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Thomson West

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Eagan, MN 55123

Phone: 800-344-5008

—Internet: <http://www.westlaw.com>

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Geronimo Development Corp.

606 25th Avenue South, Suite 201

St. Cloud, MN 56301

Phone: 800-457-6045

—Internet: <http://www.casefinder.com>

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1275 Broadway

Albany, NY 12204-2694

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610 Opperman Drive
Eagan, MN 55123
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—Internet: <http://www.west.thomson.com>**

Student Materials

- Class Prep: Assignment Sheet
- Graphic Organizer: Court History Aligned to Periods in U.S. History
- Research Activity: Find Signs of the Times in Supreme Court Cases
- Timeline: Supreme Court Cases in U.S. History

Class Prep: Assignment Sheet

This assignment sheet identifies resources and provides activities and questions to help prepare you for the class lesson on “Reflections of America in Supreme Court Cases.” Coming to class with the background knowledge provided by this material will definitely help you do a better job of developing a “big picture” understanding the role of the Court in history and where you fit in.

INSTRUCTIONS

Read, review, and become familiar with the following resources then respond to the questions that follow and **bring all work with you to class.**

1. Readings and Reference: (Print copies available from the Teacher or access them online from Annenberg Classroom at the links provided.)

- “Introduction: The Supreme Court as a Mirror of America” from *The Pursuit of Justice: Supreme Court Decisions that Shaped America* by Kermit Hall and John Patrick <http://www.annenbergclassroom.org/Asset.aspx?Id=1257>)
- “Chapter 5: How is the Constitution Interpreted?” from *Our Constitution* by Donald Ritchie <http://www.annenbergclassroom.org/Asset.aspx?Id=8>
- Glossary of Court-Related Terms (available from the Teacher)

2. Internet Videos from Annenberg Classroom

- Video: “A Conversation with Chief Justice John G. Roberts, Jr. on the Origin, Nature, and Importance of the Supreme Court”
<http://www.annenbergclassroom.org/Asset.aspx?Id=1254>

Watch a 3.25 min segment on this question: “Which Chief Justice was the greatest?” (Start time 22: 15; Stop Time 25: 33)

- **Supreme Court Q & A (2005)**
<http://www.annenbergclassroom.org/Asset.aspx?Id=1054>
 - Relevance Today (1 min.)
 - Most Influential Cases (2.5 min.)
 - Helping to Solve Problems (2 min.)
- **Supreme Court Q & A (2006)**
<http://www.annenbergclassroom.org/Asset.aspx?Id=1094>
 - How is the Supreme Court Different from Other Courts? (2.5 min.)
 - Protecting the Rights of the Minority (1.5 min.)
 - Making Unpopular Decisions” (1.5 min.)
 - The Rule of Law (2 min.)
 - Why the Rule of Law is Important (1.5 min.)

3. Graphic Organizer: “Court History Aligned to Periods in U.S. History” (available from Teacher)

Class Prep: Assignment Sheet

QUESTIONS FOR STUDY AND NOTE-TAKING

(Take good notes as you will use them in the lesson.)

1. Compare and contrast the role of the Court before and after John Marshall was chief Justice. What pivotal changes occurred during his tenure on the Court? Why is he considered the greatest chief justice?
2. How is Supreme Court like a mirror of America?
3. Describe the 4 phases of court history by adding notes to the graphic organizer.
4. Briefly explain how the court has changed over time related to the following:
 - location
 - jurisdiction
 - court procedures
 - issues addressed
 - case management
 - involvement in public policy
 - involvement in political matters
 - procedures
 - extent of powers
5. Explain why the use of precedent over time is important for the Court?
6. What overriding attitudes and commitments of Americans make the judicial resolution of disputes less divisive in the United States?
7. Identify and give examples for 6 criteria used by the authors for the selection of cases in *The Pursuit of Justice*.
8. How are we all, including the Supreme Court, beneficiaries of those who came before us? Included examples.
9. Explain how the Supreme Court is dependent on, and influenced by, the people?
10. How is the Supreme Court dependent on and separate from the other 2 branches of government?
11. How has the Constitution shaped society and also been shaped by it?

Graphic Organizer

COURT HISTORY ALIGNED TO PERIODS IN U.S. HISTORY

U.S. HISTORY

1607-1787 English founding to Constitutional Convention	1787-1861 Constitution & New Nation	1850-1877 Civil War & Reconstruction	1870-1900 Development of the Industrial U.S.	1898-1920 Emergence of Modern America	1920-1939 Prosperity and Great Depression	1939-1945 World War II Period	1945-early 1960 Post War U.S.	1960-1980 Turbulent Times	1980–Present Contemporary U.S.
Phase 1	Phase 2		Phase 3			Phase 4			

COURT HISTORY

(Source: *The Pursuit of Justice*)

Instructions: After reading the introduction to *The Pursuit of Justice*, identify the main issues addressed in the court for each phase. Include examples of the cases.

Phase 1:	
Phase 2:	
Phase 3:	
Phase 4:	

Research Activity: Find Signs of the Time in Supreme Court Cases

Instructions: Research a Supreme Court case to analyze and learn about the background facts and relate the case to its time and place in history. Complete one strip per case. Be prepared to present the case and add it to the class timeline. Use the criteria on the following page for "Significance of the Decision."

<p>Supreme Court Case/Date:</p> <p>Citation:</p> <p>Problem/Dispute:</p> <p>Supreme Court Decision:</p> <p>Significance of the Decision:</p>	<p>Historical Period:</p> <p>Events/Issues of the Time:</p> <p>Explain how the case and the decision reflect the times:</p>
<p>Supreme Court Case/Date:</p> <p>Citation:</p> <p>Problem/Dispute:</p> <p>Supreme Court Decision:</p> <p>Significance of the Decision:</p>	<p>Historical Period:</p> <p>Events/Issues of Time:</p> <p>Explain how the case and the decision reflect the times:</p>
<p>Supreme Court Case/Date:</p> <p>Citation:</p> <p>Problem/Dispute:</p> <p>Supreme Court Decision:</p> <p>Significance of the Decision:</p>	<p>Historical Time:</p> <p>Events/Issues of the Period:</p> <p>Explain how the case and the decision reflect the times:</p>

Research Activity: Find Signs of the Time in Supreme Court Cases

Criteria for “Significance of the Decision” (Use with case strip for timeline)

Characterize the significance of the case according to the following criteria used by the authors of *The Pursuit of Justice* (pg. 10-11). Indicate by number(s) and give reasons for the selection.

1. The Court’s decision is “a response to a pivotal public issue, which had a deep and abiding impact on the course of U.S. history.”
2. The Court “overturned a significant precedent and thereby acted as a catalyst for political and social change.”
3. The Court’s decision includes “memorable and edifying statements of enduring American constitutional principles expressed in opinions of justices either for the Court or in dissent.”
4. The Court’s decision is “a definitive or illuminating response to an issue about a core principle of American constitutionalism, such as federalism, separation of powers, checks and balances, civil liberties, or civil rights.”
5. The Court’s decision is important for “cultivating standards of civic education.”
6. “The cases tell compelling stories about personal courage required to bring and sustain a case before the high court, whether on the winning or losing side.”

Research Tips

1. **Use the citation.** Every Supreme Court Opinion has an official citation that indicates the names of the parties involved, when the Supreme Court made its decision, who published the opinion, and the volume and page number for the case.

Example: *Board of Education v. Earls* ← (names of the parties in dispute)
536 U.S. 822 (2002)

536	U.S.	822	(2002)
Volume #	United States Reports <i>(Initials for the publisher)</i>	Page Number <i>(Page on which case begins)</i>	Year of Decision in parentheses

2. **Consult primary and secondary sources.**

Know what you’re looking at. Is it a summary or full text? Is it from the official source or not? Summaries provide helpful overviews, but only quotes from the official source (*United States Reports*) are acceptable in a court of law.

- **Official source**

Supreme Court of the United States

United States Reports (electronic copies of the official bound volumes)

<http://www.supremecourtus.gov/opinions/boundvolumes.html>

Note: “In case of discrepancies between the print and electronic versions of these bound volume materials, the print versions control.”

- **Unofficial sources**

- **OYEZ**

<http://www.oyez.org/cases/>

Access summaries with links to full text.

Search by “Case” then enter the name of either the respondent or the petitioner as the key word.

- **FindLaw** -- Find Supreme Court Opinions by Year

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&navby=year>

Research Activity: Find Signs of the Time in Supreme Court Cases

3. Locate additional resources to learn about cases.

- **Annenberg Classroom**

Online Books:

The Pursuit of Justice: Supreme Court Decisions That Shaped America

<http://www.annenbergclassroom.org/Asset.aspx?Id=1257>

Our Rights

<http://www.annenbergclassroom.org/Asset.aspx?Id=1329>

Our Constitution

<http://www.annenbergclassroom.org/Chapter.aspx?Id=66>

Issues--Interactive Timelines

<http://www.annenbergclassroom.org/Chapter.aspx?Id=45>

After selecting a timeline, click on "show all" for a complete timeline then click on "print all visible elements" to get a view which can then be searched for cases by using the abbreviation **v.** for the keyword.

- **Justice Learning**

From the Courts in Their Own Words

<http://www.justicelearning.org/ownwords/courtsmain.asp>

- **Landmarkcases.org**

<http://www.landmarkcases.org/>

–Timeline–
Supreme Court Cases in U.S. History

Topics related to these cases include . . .

- Civil liberties in war time
- Constitution-shapers
- Criminal matters
- Due process
- Discrimination
- Federalism
- Freedom of press
- Freedom of speech
- Judicial review
- Limits of presidential power
- Minority rights
- Political matters
- Regulation of commerce
- Religion
- Labor
- States rights
- Students rights in public schools
- Other: _____

Court History—Phase 1
(1607-1787) English founding through Constitutional Convention

Court History—Phase 2 (1787-1877)	
1787-1861 The Constitution and Expanding New Nation	1850-1877 Civil War and Reconstruction
Marbury v. Madison (1803) <i>Rise of judicial review. (The Pursuit of Justice, Ch. 1)</i>	Dred Scott v. Sandford (1857) <i>Citizenship for a slave; race discrimination. (The Pursuit of Justice, Ch. 4)</i>
Trustees of Dartmouth College v. Woodward (1819) <i>Constitution and state authority.</i>	Ex parte Milligan (1866) <i>Civil liberties and the Civil War. (The Pursuit of Justice, Ch. 5)</i>
McCulloch v. Maryland (1819) <i>National bank and federalism. (The Pursuit of Justice, Ch. 2)</i>	Ex Parte McCardle (1868) <i>Separation of powers.</i>
Gibbons v. Ogden (1824) <i>Steamboats, states' rights and the powers. (The Pursuit of Justice, Ch. 3)</i>	Munn v. Illinois (1877) <i>State regulation of interstate commerce.</i>
Cherokee Nation v. Georgia (1831) <i>Disenfranchised Native American tribes of their lands.</i>	
Barron v. Baltimore (1833) <i>Bill of Rights restrained the federal government alone.</i>	
Palko v. Connecticut (1937) <i>Freedom of speech.</i>	
Charles River Bridge v. Warren Bridge (1837) <i>Permitting state improvements.</i>	
Dred Scott v. Sandford (1857) <i>Freedom from slavery denied. (The Pursuit of Justice, Ch. 4)</i>	

–Timeline–
Supreme Court Cases in U.S. History

Court History—Phase 3 (1877- 1937)		
1870-1900 Development of the Industrial U.S.	1898-1920 Emergence of Modern America	1920-1939 Prosperity and Great Depression
California v. Cabazon Band of Mission Indians (1987) <i>Tribal sovereignty.</i>	United States v. Wong Kim Ark (1898) <i>Citizenship question for U.S. born child of Chinese immigrants.</i>	Gitlow v. New York (1925) <i>Free speech applies to states.</i>
Plessey v. Ferguson (1896) <i>Separate but not equal. (The Pursuit of Justice, Ch. 6)</i>	Northern Securities Company v. United States (1904) <i>Antitrust laws.</i>	Whitney v. California (1927) <i>Civil rights and liberties of individuals.</i>
United States v. Wong Kim Ark (1898) <i>Citizenship question for U.S. born child of Chinese immigrants.</i>	Lochner v. New York (1905) <i>Rights of labor; rights of women. (The Pursuit of Justice, Ch. 7)</i>	Near v. Minnesota (1931) <i>Civil rights and liberties of individuals.</i>
	Winters v. People of the State of New York (1908) <i>Indian water law.</i>	Stromberg v. California (1931) <i>Symbolic expression as free speech</i>
	Muller v. Oregon (1908) <i>Rights of labor; rights of women. (The Pursuit of Justice, Ch. 7)</i>	Schechter v. United States (1935) <i>Federal power.</i>
	Schenck v. United States (1919) <i>Latitude and limits of free speech (The Pursuit of Justice, Ch. 8)</i>	West Coast Hotel v. Parrish (1937) <i>Affirming the New Deal. (The Pursuit of Justice, Ch. 9)</i>
	Abrams v. United States (1919) <i>Latitude and limits of free speech. (The Pursuit of Justice, Ch. 8)</i>	

Court History: Phase 4 (1937-Present)			
1939-1945 World War II Period	1945-early 1960 Post War U.S.	1960-1980 Turbulent Times	1980–Present Contemporary U.S.
Minersville School District v. Gobitis (1940) <i>Flag salute case. (The Pursuit of Justice, Ch. 10)</i>	Sweatt v. Painter (1950) <i>Racial discrimination in higher education.</i>	Hoyt v. Florida (1961) <i>Women's rights.</i>	Dames & Moore v. Regan (1981) <i>Separation of powers.</i>
Chaplinsky v. New Hampshire (1942) <i>Free speech.</i>	McLaurin v. Oklahoma State Board of Regents (1950) <i>Racial discrimination in higher education.</i>	Garner v. Louisiana (1961) <i>Symbolic speech of protesters.</i>	Board of Education v. Pico (1982) <i>Books banned from school library.</i>
West Virginia State Board of Education v. Barnette (1943) <i>Flag salute case. (The Pursuit of Justice, Ch. 10)</i>	Dennis v. United States (1951) <i>Freedom of speech and national security.</i>	Mapp v. Ohio (1961) <i>Civil rights and liberties of individuals.</i>	Oliver v. United States (1983) <i>Search and seizure of drugs in open field.</i>
Hirabayashi v. United States (1943) <i>Internment of Japanese Americans. (The Pursuit of Justice, Ch.11)</i>	Youngstown Sheet & Tube Co. v. Sawyer (1952) <i>Limit presidential power. (The Pursuit of Justice, Ch. 12)</i>	Minor v. United States (1962) <i>Drug statutes found not to violate seller's right against self incrimination.</i>	Ciraolo v. California (1984) <i>Arial surveillance of home for drugs.</i>
Korematsu v. United States (1944) <i>Internment of Japanese Americans. (The Pursuit of Justice, Ch.11)</i>	Beauharnais v. Illinois (1952) <i>Libel exemption to first amendment</i>	Robinson v. California (1962) <i>Criminalization of addiction.</i>	American Booksellers Association v. William Hudnut (1985) <i>Anti-pornography ordinance.</i>
	Brown v. Board of Education of Topeka, Kansas (1954, 1955) <i>Public school desegregation. (The Pursuit of Justice, Ch. 13)</i>	Baker v. Carr (1962) <i>Equality of voting and representation. (The Pursuit of Justice, Ch. 14)</i>	New Jersey v. T.L.O. (1985) <i>Student accused of smoking at school searched.</i>

–Timeline–
Supreme Court Cases in U.S. History

Court History: Phase 4 (1937-Present)			
1939-1945 World War II Period	1945-early 1960 Post War U.S.	1960-1980 Turbulent Times	1980–Present Contemporary U.S.
	Yates v. United States (1957) <i>Freedom of speech.</i>	Engel v. Vitale (1962) <i>Prayer at public school.</i>	Bethel School District #403 v. Fraser (1986) <i>Obscene language used in school assembly.</i>
	Roth v. United States (1957) <i>Obscenity exemption to first amendment</i>	Reynolds v. Sims (1964) <i>Equality of voting and representation. (The Pursuit of Justice, Ch. 14)</i>	Hazelwood School District v. Kuhlmeier (1988) <i>Freedom of press for students</i>
	Cooper v. Aaron (1958) <i>Civil rights.</i>	New York Times Co. v. Sullivan (1964) <i>Freedom of press in a free society. (The Pursuit of Justice, Ch. 15)</i>	Skinner v. Railway Labor Executives Association (1989) <i>Random workplace drug testing.</i>
		Griswold v. Connecticut (1965) <i>Finding a right to privacy. (The Pursuit of Justice, Ch. 16)</i>	Texas v. Johnson (1989) <i>Symbolic speech; flag burning.</i>
		Miranda v. Arizona (1966) <i>Right to remain silent. (The Pursuit of Justice, Ch. 17)</i>	R.A.V. v. The City of St. Paul (1993) <i>Hate speech.</i>
		United States v. O'Brien (1968) <i>Symbolic speech limited.</i>	Wisconsin v. Mitchell (1993) <i>Actions as form of free speech.</i>
		Tinker v. Des Moines Independent Community School District (1969) <i>Symbolic speech in public schools. (The Pursuit of Justice, Ch. 18)</i>	Madsen v. Women's Health Center (1994) <i>Boundaries for free speech.</i>
		Brandenburg v. Ohio (1969) <i>Civil rights and liberties of individuals.</i>	Schenck v. Pro-Choice Network of Western New York (1997) <i>Boundaries for free speech.</i>
		Reed v. Reed (1971) <i>Women's rights.</i>	Reno v. American Civil Liberties Union (1997) <i>Civil rights and liberties of individuals.</i>
		Swann v. Charlotte-Mecklenburg Bd. of Education (1971) <i>Court ordered segregation of public schools.</i>	Clinton v. Jones (1997) <i>Presidential immunity.</i>
		Lemon v. Kurtzman (1971) <i>Standards for interpreting the establishment clause. (The Pursuit of Justice, Ch. 19)</i>	National Endowment for the Arts v. Finley (1998) <i>Decency standards for awards.</i>
		Cohen v. California (1971) <i>Expression of anti-war sentiment</i>	Clinton v. City of New York (1998) <i>Separation of powers and checks and balances.</i>
		New York Times Co. v. United States (1971) <i>Publish government papers.</i>	Alden v. Maine (1999) <i>Constitutional principle of federalism.</i>
		Wisconsin v. Yoder (1972) <i>Civil rights and liberties of individuals.</i>	Hill v. Colorado (2000) <i>Boundaries for free speech.</i>

–Timeline–
Supreme Court Cases in U.S. History

Court History: Phase 4 (1937-Present)			
1939-1945 World War II Period	1945-early 1960 Post War U.S.	1960-1980 Turbulent Times	1980–Present Contemporary U.S.
		Lloyd Corp. v. Tanner (1972) <i>Limits to free speech.</i>	Santa Fe Independent School District v. Doe (2000) <i>Prayer at school football games.</i>
		Roe v. Wade (1973) <i>Abortion, privacy, and values in conflict. (The Pursuit of Justice, Ch. 20)</i>	Bush v. Gore (2000) <i>Voting rights (The Pursuit of Justice, Ch. 23)</i>
		Miller v. California (1973) <i>Definition of obscenity.</i>	Kyllo v. United States (2001) <i>Limits on use of drug-detection technology.</i>
		United States v. Nixon (1974) <i>Presidential immunity and the Watergate crisis. (The Pursuit of Justice, Ch. 21)</i>	Board of Education v. Earls (2002) <i>Mandatory drug search of students.</i>
		Goss v. Lopez (1975) <i>School suspensions given before hearing.</i>	Zelman v. Simmons-Harris (2002) <i>State vouchers for religious schools.</i>
		Craig v. Boren (1976) <i>Women's rights</i>	Georgia v. Ashcroft (2003) <i>Voting rights.</i>
		Regents of the University of California v. Bakke (1978) <i>Affirmative action. (The Pursuit of Justice, Ch. 22)</i>	Grutter v. Bollinger (2003) <i>Affirmative action policies of a university.</i>
		United Steel Workers of America v. Weber (1979) <i>Voluntary affirmative action programs.</i>	Virginia v. Black (2003) <i>Symbolic speech; cross burning</i>
			Elk Grove v. Michael A. Newdow (2004) <i>Reference to God in the Pledge of Allegiance.</i>
			Gonzales v. Raich (2005) <i>Regulation of marijuana possession.</i>
			Roper v. Simmons (2005) <i>Capital punishment for a 17-year old; criminal</i>
			Morse v. Frederick (2005) <i>Free speech at school.</i>
			Hamdan v. Rumsfeld (2007) <i>Trial protections for detainees at Guantanamo Bay.</i>
			Parents Involved in Community Schools v. Seattle School District No. 1 et al. (2007) <i>Use of race in selecting students for admission to public high school.</i>

Teacher Materials

- Master Timeline: Supreme Court Cases in U.S. History (Teacher's Resource)
- 10 Historical Timeline Charts
- Essay Rubric

–Master Timeline–

Supreme Court Cases in U.S. History

(Teacher's Resource)

Introduction

The charts on the following pages align the eras of Court history described in the online book, *The Pursuit of Justice: Supreme Court Decisions that Shaped America* by Kermit Hall and John Patrick, with the periods of U.S. history typically taught in school.

“Each case that comes before the [Supreme] Court is a unique slice of American life, not just an abstract legal matter, and the outcomes of these cases tell the story of the nation and its development. They also chronicle the institution’s successful struggle to secure its power to review the actions of the other branches of government, to establish its independence, and to settle conclusively what the Constitution means.” (*The Pursuit of Justice*, pg. 5)

“These eras of the Court remind us of how the Court has mirrored the times while trying to administer the rule of law. . . . Lawyers interested in serving the immediate needs of their clients might find the most important cases to be those that address a current point of constitutional law. Historians, on the other hand, may search for the impact of the Court over time, attempting to explain how crucial decisions have shaped and been shaped by conflicts in American society.” (*Pursuit of Justice*, pg. 9)

Research Tips for Students

- 1. Use the citation:** Every Supreme Court Opinion has an official citation that indicates the names of the parties involved, when the Supreme Court made its decision, who published the opinion, and the volume and page number for the case.

Example: *Board of Education v. Earls* ← (names of the parties in dispute)
536 U.S. 822 (2002)

536	U.S.	822	(2002)
Volume #	<i>United States Reports</i> <i>(Initials for the publisher)</i>	Page Number <i>(Page on which case begins)</i>	Year of Decision in parentheses

- 2. Consult primary and secondary sources:**

Know what you’re looking at. Is it a summary or full text? Is it from the official source or not? Summaries provide helpful overviews, but only quotes from the official source (*United States Reports*) are acceptable in a court of law.

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Note: “In case of discrepancies between the print and electronic versions of these bound volume materials, the print versions control.”

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- **OYEZ**

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Access summaries with links to full text.

Search by “Case” then enter the name of either the respondent or the petitioner as the key word.

- **FindLaw -- Find Supreme Court Opinions by Year**

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&navby=year>

–Master Timeline–
Supreme Court Cases in U.S. History
(Teacher's Resource)

3. Locate additional resources to learn about cases.

- **Annenberg Classroom**

The Pursuit of Justice: Supreme Court Decisions That Shaped America (Online book)
<http://www.annenbergclassroom.org/Asset.aspx?Id=1257>

Our Rights (Online book)

<http://www.annenbergclassroom.org/Asset.aspx?Id=1329>

Our Constitution (Online book)

<http://www.annenbergclassroom.org/Chapter.aspx?Id=66>

Issue Timelines

<http://www.annenbergclassroom.org/Chapter.aspx?Id=45>

After selecting a timeline, click on "show all" for a complete timeline then click on "print all visible elements" to get a view which can then be searched for cases by using the abbreviation **v.** for the keyword.

Constitutional Timeline

<http://www.annenbergclassroom.org/Chapter.aspx?Id=27>

- **Justice Learning**

From the Courts in Their Own Words

<http://www.justicelearning.org/ownwords/courtmain.asp>

- **Landmarkcases.org**

<http://www.landmarkcases.org/>

Note to Teacher:

1. Students are likely to run across other cases that catch their interest while researching. Encourage them to add the cases and share them with you and others.
2. The cases included in this timeline came from the resources cited above and include ones commonly referenced in state standards.
3. Cases may appear in more than one column due to the overlap of historical periods.
4. Topics related to these cases include . . .

- Civil liberties in war time
- Constitution-shapers
- Criminal matters
- Due process
- Discrimination
- Federalism
- Freedom of press
- Freedom of speech
- Judicial review
- Limits of presidential power

- Minority rights
 - Political matters
 - Regulation of commerce
 - Religion
 - Labor
 - States rights
 - Students rights in public schools
 - Other:
-

–Master Timeline–
Supreme Court Cases in U.S. History
 (Teacher's Resource)

Court History—Phase 1

(*The Pursuit of Justice*, pg. 9)

“Though neither the Court nor the Constitution existed, these years were nevertheless critical to establishing broad constitutional principles that endure to this day and to which the Court often turns. These included the value of a written constitution, the doctrine of limited government, the concept of federalism, and the idea of separation of powers.”

(1607-1787)

English founding through Constitutional Convention

Court History—Phase 2 (1787-1877)

(*The Pursuit of Justice*, pg. 9)

“From the nation’s founding in 1787 through the end of Reconstruction in 1877, the most crucial constitutional issues were framed as conflicts between the states and the nation. These included disputes about the power of the federal courts in relation to their counterparts in the states, the power of the national government to regulate commerce, the right of property holders to remain free of regulation by either state or federal governments, and the expansion of slavery into the new territories and states. The struggle over state versus federal authority culminated in the secession movement, the Civil War, and Reconstruction. The constitutional legacy of the era appeared dramatically in the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution. Of these, the Fourteenth, through its due process, equal protection, and state action clauses, reframed the work of the high court for the following century and a quarter in the areas of civil liberties and civil rights.”

1787-1861 The Constitution and Expanding New Nation	1850-1877 Civil War and Reconstruction
Marbury v. Madison (1803) <i>Rise of judicial review. (The Pursuit of Justice, Ch. 1)</i>	Dred Scott v. Sandford (1857) <i>Citizenship for a slave; race discrimination. (The Pursuit of Justice, Ch. 4)</i>
Trustees of Dartmouth College v. Woodward (1819) <i>Constitution and state authority.</i>	Ex parte Milligan (1866) <i>Civil liberties and the Civil War. (The Pursuit of Justice, Ch. 5)</i>
McCulloch v. Maryland (1819) <i>National bank and federalism. (The Pursuit of Justice, Ch. 2)</i>	Ex Parte McCardle (1868) <i>Separation of powers.</i>
Gibbons v. Ogden (1824) <i>Steamboats, states' rights and the powers. (The Pursuit of Justice, Ch. 3)</i>	Munn v. Illinois (1877) <i>State regulation of interstate commerce.</i>
Cherokee Nation v. Georgia (1831) <i>Disenfranchised Native American tribes of their lands.</i>	
Barron v. Baltimore (1833) <i>Bill of Rights restrained the federal government alone.</i>	
Palko v. Connecticut (1937) <i>Freedom of speech.</i>	
Charles River Bridge v. Warren Bridge (1837) <i>Permitting state improvements.</i>	
Dred Scott v. Sandford (1857) <i>Freedom from slavery denied. (The Pursuit of Justice, Ch. 4)</i>	

–Master Timeline–
Supreme Court Cases in U.S. History
 (Teacher's Resource)

Court History—Phase 3 (1877- 1937)

(*The Pursuit of Justice*, pg. 9)

“Among the most pressing issues in America from 1877 to 1937 were industrialization and immigration. Industrialization raised new questions about the role of government in regulating the conditions of labor, the rights of laborers to organize, the rights of corporations to control and use their capital, and the appropriateness of government intervention in the marketplace. The First World War brought a direct challenge to the civil liberties of Americans and the first sustained debate in the Court about the scope of freedom of speech and press. Equally important, a wave of immigration and a newly freed black population raised questions about the authority of government to regulate social change. The justices were forced to fit a document crafted in the eighteenth century to the realities of the industrial market economy of the late nineteenth and early twentieth centuries.”

“Initially, the justices gave preference to the rights of property holders, raised strong objections to government involvement in the marketplace, and viewed corporations more favorably than unions in the struggle between capital and labor. The Great Depression, however, placed increasing pressure on government to take an active role in the economy. The Court raised constitutional objections to many of President Franklin D. Roosevelt’s solutions to the massive economic dislocation caused by the depression. In the face of FDR’s proposal to pack the Court, the justices in 1937 retreated from their strong objections to government involvement in the economy and signaled their support for both state and federal initiatives designed to bolster the well-being of Americans.”

1870-1900 Development of the Industrial U.S.	1898-1920 Emergence of Modern America	1920-1939 Prosperity and Great Depression
California v. Cabazon Band of Mission Indians (1987) <i>Tribal sovereignty.</i>	United States v. Wong Kim Ark (1898) <i>Citizenship question for U.S. born child of Chinese immigrants.</i>	Gitlow v. New York (1925) <i>Free speech applies to states.</i>
Plessey v. Ferguson (1896) <i>Separate but not equal. (The Pursuit of Justice, Ch. 6)</i>	Northern Securities Company v. United States (1904) <i>Antitrust laws.</i>	Whitney v. California (1927) <i>Civil rights and liberties of individuals.</i>
United States v. Wong Kim Ark (1898) <i>Citizenship question for U.S. born child of Chinese immigrants.</i>	Lochner v. New York (1905) <i>Rights of labor; rights of women. (The Pursuit of Justice, Ch. 7)</i>	Near v. Minnesota (1931) <i>Civil rights and liberties of individuals.</i>
Munn v. Illinois (1877) State regulation of interstate commerce.	Winters v. People of the State of New York (1908) <i>Indian water law.</i>	Stromberg v. California (1931) <i>Symbolic expression as free speech</i>
	Muller v. Oregon (1908) <i>Rights of labor; rights of women. (The Pursuit of Justice, Ch. 7)</i>	Schechter v. United States (1935) <i>Federal power.</i>
	Schenck v. United States (1919) <i>Latitude and limits of free speech (The Pursuit of Justice, Ch. 8)</i>	West Coast Hotel v. Parrish (1937) <i>Affirming the New Deal. (The Pursuit of Justice, Ch. 9)</i>
	Abrams v. United States (1919) <i>Latitude and limits of free speech. (The Pursuit of Justice, Ch. 8)</i>	

–Master Timeline–
Supreme Court Cases in U.S. History
 (Teacher's Resource)

Court History: Phase 4 (1937-Present)

(*The Pursuit of Justice*, pg. 9)

“After 1937 the Court again shifted gears, this time placing an emphasis on equality and such human rights as freedom of conscience, expression, and privacy. The emergence of the nation onto the world stage also posed new questions about the scope of Presidential power. The Second World War and then the Cold War, along with conflicts from Korea, to Vietnam, to Iraq, were accompanied by increasingly bold assertions about the authority of the chief executive in time of war. Moreover, the emergence of a national civil rights movement for African Americans, Native Americans, and Latinos, along with the emergence of feminism, tested the boundaries of long-accepted discriminatory practices in housing, employment, schooling, jury service, the right to hold and seek office, and the administration of the death penalty. It also produced a powerful counter-reaction from groups that believed the state, should not engage in programs such as affirmative action that were designed to favor one group over another as a way of ameliorating the consequences of past discrimination.”

1939-1945 World War II Period	1945-early 1960 Post War U.S.	1960-1980 Turbulent Times	1980–Present Contemporary U.S.
Minersville School District v. Gobitis (1940) <i>Flag salute case. (The Pursuit of Justice, Ch. 10)</i>	Sweatt v. Painter (1950) <i>Racial discrimination in higher education.</i>	Hoyt v. Florida (1961) <i>Women's rights.</i>	Dames & Moore v. Regan (1981) <i>Separation of powers.</i>
Chaplinsky v. New Hampshire (1942) <i>Free speech.</i>	McLaurin v. Oklahoma State Board of Regents (1950) <i>Racial discrimination in higher education.</i>	Garner v. Louisiana (1961) <i>Symbolic speech of protesters.</i>	Board of Education v. Pico (1982) <i>Books banned from school library.</i>
West Virginia State Board of Education v. Barnette (1943) <i>Flag salute case. (The Pursuit of Justice, Ch. 10)</i>	Dennis v. United States (1951) <i>Freedom of speech and national security.</i>	Mapp v. Ohio (1961) <i>Civil rights and liberties of individuals.</i>	Oliver v. United States (1983) <i>Search and seizure of drugs in open field.</i>
Hirabayashi v. United States (1943) <i>Internment of Japanese Americans. (The Pursuit of Justice, Ch. 11)</i>	Youngstown Sheet & Tube Co. v. Sawyer (1952) <i>Limit presidential power. (The Pursuit of Justice, Ch. 12)</i>	Minor v. United States (1962) <i>Drug statutes found not to violate seller's right against self incrimination.</i>	Ciraolo v. California (1984) <i>Arial surveillance of home for drugs.</i>
Korematsu v. United States (1944) <i>Internment of Japanese Americans. (The Pursuit of Justice, Ch. 11)</i>	Beauharnais v. Illinois (1952) <i>Libel exemption to first amendment</i>	Robinson v. California (1962) <i>Criminalization of addiction.</i>	American Booksellers Association v. William Hudnut (1985) <i>Anti-pornography ordinance.</i>
	Brown v. Board of Education of Topeka, Kansas (1954, 1955) <i>Public school desegregation. (The Pursuit of Justice, Ch. 13)</i>	Baker v. Carr (1962) <i>Equality of voting and representation. (The Pursuit of Justice, Ch. 14)</i>	New Jersey v. T.L.O. (1985) <i>Student accused of smoking at school searched.</i>
	Yates v. United States (1957) <i>Freedom of speech.</i>	Engel v. Vitale (1962) <i>Prayer at public school.</i>	Bethel School District #403 v. Fraser (1986) <i>Obscene language used in school assembly.</i>
	Roth v. United States (1957) <i>Obscenity exemption to first amendment</i>	Reynolds v. Sims (1964) <i>Equality of voting and representation. (The Pursuit of Justice, Ch. 14)</i>	Hazelwood School District v. Kuhlmeier (1988) <i>Freedom of press for students</i>

–Master Timeline–
 Supreme Court Cases in U.S. History
 (Teacher's Resource)

1939-1945 World War II Period	1945-early 1960 Post War U.S.	1960-1980 Turbulent Times	1980–Present Contemporary U.S.
	Cooper v. Aaron (1958) <i>Civil rights.</i>	New York Times Co. v. Sullivan (1964) <i>Freedom of press in a free society. (The Pursuit of Justice, Ch. 15)</i>	Skinner v. Railway Labor Executives Association (1989) <i>Random workplace drug testing.</i>
		Griswold v. Connecticut (1965) <i>Finding a right to privacy. (The Pursuit of Justice, Ch. 16)</i>	Texas v. Johnson (1989) <i>Symbolic speech; flag burning.</i>
		Miranda v. Arizona (1966) <i>Right to remain silent. (The Pursuit of Justice, Ch. 17)</i>	R.A.V. v. The City of St. Paul (1993) <i>Hate speech.</i>
		United States v. O'Brien (1968) <i>Symbolic speech limited.</i>	Wisconsin v. Mitchell (1993) <i>Actions as form of free speech.</i>
		Tinker v. Des Moines Independent Community School District (1969) <i>Symbolic speech in public schools. (The Pursuit of Justice, Ch. 18)</i>	Madsen v. Women's Health Center (1994) <i>Boundaries for free speech.</i>
		Brandenburg v. Ohio (1969) <i>Civil rights and liberties of individuals.</i>	United States v. Virginia (1996) <i>Gender equality</i>
		Reed v. Reed (1971) <i>Women's rights.</i>	Schenck v. Pro-Choice Network of Western New York (1997) <i>Boundaries for free speech.</i>
		Swann v. Charlotte-Mecklenburg Bd. of Education (1971) <i>Court ordered segregation of public schools.</i>	Reno v. American Civil Liberties Union (1997) <i>Civil rights and liberties of individuals.</i>
		Lemon v. Kurtzman (1971) <i>Standards for interpreting the establishment clause. (The Pursuit of Justice, Ch. 19)</i>	Clinton v. Jones (1997) <i>Presidential immunity.</i>
		Cohen v. California (1971) <i>Expression of anti-war sentiment</i>	National Endowment for the Arts v. Finley (1998) <i>Decency standards for awards.</i>
		New York Times Co. v. United States (1971) <i>Publish government papers.</i>	Clinton v. City of New York (1998) <i>Separation of powers and checks and balances.</i>
		Wisconsin v. Yoder (1972) <i>Civil rights and liberties of individuals.</i>	Alden v. Maine (1999) <i>Constitutional principle of federalism.</i>
		Lloyd Corp. v. Tanner (1972) <i>Limits to free speech.</i>	Hill v. Colorado (2000) <i>Boundaries for free speech.</i>

–Master Timeline–
 Supreme Court Cases in U.S. History
 (Teacher's Resource)

1939-1945 World War II Period	1945-early 1960 Post War U.S.	1960-1980 Turbulent Times	1980–Present Contemporary U.S.
		Roe v. Wade (1973) <i>Abortion rights (The Pursuit of Justice, Ch. 20)</i>	Santa Fe Independent School District v. Doe (2000) <i>Prayer at school football games.</i>
		Miller v. California (1973) <i>Definition of obscenity.</i>	Bush v. Gore (2000) <i>Voting rights (The Pursuit of Justice, Ch. 23)</i>
		United States v. Nixon (1974) <i>Presidential immunity and the Watergate crisis. (The Pursuit of Justice, Ch. 21)</i>	Kyllo v. United States (2001) <i>Limits on use of drug-detection technology.</i>
		Goss v. Lopez (1975) <i>School suspensions given before hearing.</i>	Board of Education v. Earls (2002) <i>Mandatory drug search of students.</i>
		<i>Craig v. Boren (1976)</i> <i>Women's rights</i>	Zelman v. Simmons-Harris (2002) <i>State vouchers for religious schools.</i>
		Regents of the University of California v. Bakke (1978) <i>Affirmative action. (The Pursuit of Justice, Ch. 22)</i>	Georgia v. Ashcroft (2003) <i>Voting rights.</i>
		United Steel Workers of America v. Weber (1979) <i>Voluntary affirmative action programs.</i>	Grutter v. Bollinger (2003) <i>Affirmative action policies of a university.</i>
			Virginia v. Black (2003) <i>Symbolic speech; cross burning</i>
			Elk Grove v. Michael A. Newdow (2004) <i>Reference to God in the Pledge of Allegiance.</i>
			Gonzales v. Raich (2005) <i>Regulation of marijuana possession.</i>
			Roper v. Simmons (2005) <i>Capital punishment for a 17-year old; criminal</i>
			Morse v. Frederick (2005) <i>Free speech at school.</i>
			Hamdan v. Rumsfeld (2007) <i>Trial protections for detainees at Guantanamo Bay.</i>
			Parents Involved in Community Schools v. Seattle School District No.1 et al. (2007) <i>Use of race in selecting students for admission to public high school.</i>

1607-1787

English founding through Constitutional Convention

Constitutional Principles

Events/Issues of the Times

1787-1861

Constitution & Expanding New Nation

Case Information

Events/Issues of the Times

1850-1877

Civil War and Reconstruction

Case Information

Events/Issues of the Times

1870-1900

Development of the Industrial U.S.

Case Information

Events/Issues of the Times

1898-1920

Emergence of Modern America

Case Information

Events/Issues of the Times

1920-1939

Prosperity and Great Depression

Case Information

Events/Issues of the Times

1939-1945

World War II Period

Case Information

Events/Issues of the Times

1945-early 1960

Post War U.S.

Case Information

Events/Issues of the Times

1960-1980 Turbulent Times

Case Information

Events/Issues of the Times

1980–Present Contemporary U.S.

Case Information

Events/Issues of the Times

Essay Rubric				
CATEGORY	5	3	2	1
Introduction	The introduction is inviting, states the main topic and previews the structure of the paper.	The introduction clearly states the main topic and previews the structure of the paper, but is not particularly inviting to the reader.	The introduction states the main topic, but does not adequately preview the structure of the paper nor is it particularly inviting to the reader.	There is no clear introduction of the main topic or structure of the paper.
Focus on Topic	There is one clear, well-focused topic. Main idea stands out and is supported by detailed information.	Main idea is clear but the supporting information is general.	Main idea is somewhat clear but there is a need for more supporting information.	The main idea is not clear. There is a seemingly random collection of information.
Accuracy of Facts	All supportive facts are reported accurately.	Almost all supportive facts are reported accurately.	Most supportive facts are reported accurately.	NO facts are reported OR most are inaccurately reported.
Sequencing	Details are placed in a logical order and the way they are presented effectively keeps the interest of the reader.	Details are placed in a logical order, but the way in which they are presented/ introduced sometimes makes the writing less interesting.	Some details are not in a logical or expected order, and this distracts the reader.	Many details are not in a logical or expected order. There is little sense that the writing is organized.
Transitions	A variety of thoughtful transitions are used. They clearly show how ideas are connected.	Transitions clearly show how ideas are connected, but there is little variety.	Some transitions work well; but connections between other ideas are fuzzy.	The transitions between ideas are unclear or nonexistent.
Grammar & Spelling	Writer makes no errors in grammar or spelling that distract the reader from the content.	Writer makes 1-2 errors in grammar or spelling that distract the reader from the content.	Writer makes 3-4 errors in grammar or spelling that distract the reader from the content.	Writer makes more than 4 errors in grammar or spelling that distract the reader from the content.
Word Choice	Writer uses vivid words and phrases that linger or draw pictures in the reader's mind, and the choice and placement of the words seems accurate, natural and not forced.	Writer uses vivid words and phrases that linger or draw pictures in the reader's mind, but occasionally the words are used inaccurately or seem overdone.	Writer uses words that communicate clearly, but the writing lacks variety, punch or flair.	Writer uses a limited vocabulary that does not communicate strongly or captures the reader's interest. Jargon or clichés may be present and detract from the meaning.
Capitalization & Punctuation	Writer makes no errors in capitalization or punctuation, so the paper is exceptionally easy to read.	Writer makes 1 or 2 errors in capitalization or punctuation, but the paper is still easy to read.	Writer makes a few errors in capitalization and/or punctuation that catch the reader's attention and interrupt the flow.	Writer makes several errors in capitalization and/or punctuation that catch the reader's attention and greatly interrupt the flow.
Conclusion	The conclusion is strong and leaves the reader with a feeling that they understand what the writer is "getting at."	The conclusion is recognizable and ties up almost all the loose ends.	The conclusion is recognizable, but does not tie up several loose ends.	There is no clear conclusion, the paper just ends.
Support for Topic	Relevant, telling, quality details give the reader important information that goes beyond the obvious or predictable.	Supporting details and information are relevant, but one key issue or portion of the storyline is unsupported.	Supporting details and information are relevant, but several key issues or portions of the storyline are unsupported.	Supporting details and information are typically unclear or not related to the topic.

Student Name: _____

Total Score: _____ / 50

National Civics and Government Standards

Source Document:

National Standards for Civics and Government (1994) Center for Civic Education
<http://www.civiced.org/index.php?page=stds>

- Grades 5-8
- Grades 9-12

National Standards for Civics and Government

Lesson: Reflections of America in Supreme Court Cases

Source: *National Standards for Civics and Government* (1994) Center for Civic Education
<http://www.civiced.org/index.php?page=stds>

Grades 5-8 Content Standards Alignment

The following chart shows a more granular alignment at the standards level.

National Standards for Civics and Government Gr. 5-8	Lesson: Reflections of America in Supreme Court Cases
Specific Content Standards	Understandings Reinforced by the Lesson
<p>I.A.1. Defining civic life, politics, and government. Students should be able to explain the meaning of the terms civic life, politics, and government.</p>	<p>Courts are among the institutions of government with the power and authority to direct or control the behavior of those in society.</p> <p>Interpreting laws in one of the responsibilities of government.</p>
<p>I.A.2. Necessity and purposes of government. Students should be able to evaluate, take, and defend positions on why government is necessary and the purposes government should serve.</p>	<p>The federal courts, which make up the judicial branch of the federal government, are responsible for interpreting the law, evaluating the constitutionality of federal laws, and the peaceful resolution of legal disputes.</p>
<p>I.B.1. Limited and unlimited governments. Students should be able to describe the essential characteristics of limited and unlimited governments.</p>	<p>The Constitution defines the limits of power for each branch of government—legislative, executive, and judicial.</p>
<p>I.B.2. The rule of law. Students should be able to explain the importance of the rule of law for the protection of individual rights and the common good.</p>	<p>Adherence to the rule of law by all parties makes it possible to resolve legal disputes peacefully through the judicial process.</p> <p>Court decisions help ensure that the law is interpreted consistently and applied fairly for the protection of individual rights and the common good. The use of precedent helps ensure continuity and fairness over time.</p>
<p>I.C.2. Purposes and uses of constitutions. Students should be able to explain the various purposes constitutions serve.</p>	<p>It is the Constitution that defines the judicial branch of government and gives it the power to interpret the laws and resolve disputes.</p> <p>As the supreme law of the land, the U.S. Constitution protects individual rights and promotes the common good.</p> <p>Historical and contemporary Supreme court cases provide a glimpse of how the constitution has been used to protect individual rights and promote the common good.</p>
<p>1.C.3. Conditions under which constitutional government flourishes. Students should be able to explain those conditions that are essential for the flourishing of constitutional government.</p>	<p>Participation in the judicial process helps reinforce, refine, and define constitutional principles that are essential for the survival of a constitutional democracy.</p>
<p>I.D.1. Shared powers and parliamentary systems. Students should be able to describe the major characteristics of systems of shared powers and of parliamentary systems.</p>	<p>The U.S. has a shared powers system in which powers are separated among 3 branches of government with each branch having primary responsibility for certain functions.</p> <p>Congress may pass laws, but the Supreme Court may declare them unconstitutional.</p>

National Standards for Civics and Government

Lesson: Reflections of America in Supreme Court Cases

National Standards for Civics and Government Gr. 5-8	Lesson: Reflections of America in Supreme Court Cases
Specific Content Standards	Understandings Reinforced by the Lesson
<p>II.A.1. The American idea of constitutional government. Students should be able to explain the essential ideas of American constitutional government.</p>	<p>The federal court system helps fulfill these purposes of government as stated in the Preamble to the Constitution:</p> <ul style="list-style-type: none"> • establish justice • insure domestic tranquility • promote the general welfare <p>The Constitution defines the limited powers of the judicial branch of government.</p> <p>The judicial branch shares powers with other branches of government. The legislative branch makes the laws; the judicial branch interprets the laws, and the executive branch enforces the laws. The cooperation of all three branches is essential for the government to carry out its responsibilities.</p> <p>Supreme Court rulings on constitutional issues include ones related to free speech, separation of church and state, freedom of the press, matters of privacy, affirmative action, due process, and criminal matters.</p>
<p>II.B.1. 1. Distinctive characteristics of American society. Students should be able to identify and explain the importance of historical experience and geographic, social, and economic factors that have helped to shape American society.</p>	<p>As reflections of American society, Supreme Court cases provide glimpses of the historical issues and controversies that have helped shape American society.</p>
<p>II.B.3. Diversity in American society. Students should be able to evaluate, take, and defend positions on the value and challenges of diversity in American life.</p>	<p>Conflicts are inevitable in a diverse society of 300 million people, but in a constitutional democracy, legal conflicts can be resolved peacefully in a way that respects individual rights and promotes the common good.</p> <p>The judicial process is a conflict-resolution process.</p> <p>Supreme Court cases reflect the conflicts and controversies present in American society, and explain the Court' work at helping solve them.</p>
<p>II.C.1. American identity. Students should be able to explain the importance of shared political values and principles to American society.</p>	<p>The U.S. Constitution identifies basic values and principles that are American distinctives. These include respect for individual rights, justice under the law, and the right to live in peace. When Americans get involved in the judicial process they act on these shared values and principles in ways that reinforce and strengthen them.</p>
<p>II.C.2. The character of American political conflict. Students should be able to describe the character of American political conflict and explain factors that usually prevent violence or that lower its intensity.</p>	<p>Supreme Court decisions have helped resolve political conflicts throughout history and in the present.</p> <p>Even though there are differences of opinion regarding the interpretations of laws, those involved in the judicial process act out of a shared respect for the Constitution and its principles.</p> <p>Negotiation and compromise makes it possible to avoid conflict and arrive at an agreement that conveys unity even when different points of view still exist.</p> <p>Willingness to use the legal system to manage disputes helps reduce the potential for larger conflicts.</p>

National Standards for Civics and Government

Lesson: Reflections of America in Supreme Court Cases

National Standards for Civics and Government Gr. 5-8	Lesson: Reflections of America in Supreme Court Cases
Specific Content Standards	Understandings Reinforced by the Lesson
<p>II.D.1. Fundamental values and principles. Students should be able to explain the meaning and importance of the fundamental values and principles of American constitutional democracy.</p>	<p>The following values are important for the judicial process to work effectively:</p> <ul style="list-style-type: none"> • individual rights (majority and minority rights) • the common or public good • justice • equal opportunity (no gender discrimination) • diversity • openness and free inquiry • truth • patriotism <p>A constitutional government includes</p> <ul style="list-style-type: none"> • representative institutions • rule of law • shared powers • checks and balances • individual rights • federalism • separation of church and state
<p>II.D.2. Conflicts among values and principles in American political and social life. Students should be able to evaluate, take, and defend positions on issues in which fundamental values and principles are in conflict.</p>	<p>Supreme Court cases provide examples of conflicts that have occurred among the fundamental values and principles in this country, such as conflicts between liberty and equality and conflicts between individual rights and the common good.</p> <p>Disputes and conflicts may arise between individual rights and the common good. When legal disputes arise, aggrieved parties may seek resolution in the courts.</p>
<p>II.D.3. Disparities between ideals and reality in American political and social life. Students should be able to evaluate, take, and defend positions on issues concerning ways and means to reduce disparities between American ideals and realities.</p>	<p>Supreme Court decisions help reduce the discrepancies between American ideals and the realities of political and social life in the United States.</p> <p>Important American ideals include an informed citizenry, equal justice for all, concern for the common good, and respect for the rights of others.</p>
<p>III.A.1. Distributing, sharing, and limiting powers of the national government. Students should be able to explain how the powers of the national government are distributed, shared, and limited.</p>	<p>As part of the judicial branch, courts have limited powers. They can only interpret laws that the legislative branch makes. Courts also depend on the executive branch to enforce their decisions about the law.</p>
<p>III.E.1. The place of law in American society. Students should be able to explain the importance of law in the American constitutional system.</p>	<p>The courts make decisions based on the rule of law. The Supreme Court hears cases related to the Constitution and federal laws.</p> <p>Supreme Court cases provide both historical and contemporary examples of the rule of law.</p>
<p>III.E.3. Judicial protection of the rights of individuals. Students should be able to evaluate, take, and defend positions on current issues regarding judicial protection of individual rights.</p>	<p>The extent of citizen/student rights under the Constitution is being defined by the cases that move through the appellate process and are decided by the Supreme Court.</p> <p>Concurring and dissenting opinions of specific Supreme Court decisions provide detailed reasons that support opposing arguments related to the protection of individual rights.</p>
<p>III.F.1. The public agenda. Students should be able to explain what is meant by the public agenda and how it is set.</p>	<p>All disputes that reach the Supreme Court are ones that are “hot topics” in American society.</p>

National Standards for Civics and Government

Lesson: Reflections of America in Supreme Court Cases

National Standards for Civics and Government Gr. 5-8	Lesson: Reflections of America in Supreme Court Cases
Specific Content Standards	Understandings Reinforced by the Lesson
<p>III.F.2. Political communication. Students should be able to evaluate, take, and defend positions on the influence of the media on American political life.</p>	<p>Supreme Court opinions are published and made accessible to the public through electronic and print media produced by official and unofficial sources.</p> <p>Annenberg Classroom offers a wide array of education resources to assist teachers across the country in the civic education of students, including easy access to primary sources.</p>
<p>III.F.4. Associations and groups. Students should be able to explain how interest groups, unions, and professional organizations provide opportunities for citizens to participate in the political process.</p>	<p>Aggrieved parties often turn to prominent associations to represent them in court cases involving constitutional principles. Some associations, such as those related to labor, civil rights, and religious groups, have played significant roles in Supreme Court cases.</p>
<p>V.A.1. The meaning of citizenship. Students should be able to explain the meaning of American citizenship.</p>	<p>All citizens have equal rights under the law which gives them access to the judicial process to resolve legal disputes. Rulings related to citizenship have been made by the Supreme Court.</p>
<p>V.B.1. Personal rights. Students should be able to evaluate, take, and defend positions on issues involving personal rights.</p>	<p>Supreme Court opinions address historical and contemporary issues related to personal rights such as the freedom of expression and religion.</p>
<p>V.B.2. Political rights. Students should be able to evaluate, take, and defend positions on issues involving political rights.</p>	<p>Decisions involving political rights, such as freedom of the press, have been made by the Supreme Court throughout history.</p>
<p>V.B.4. Scope and limits of rights. Students should be able to evaluate, take, and defend positions on issues regarding the proper scope and limits of rights.</p>	<p>Supreme Court opinions supported by reasons help define the scope and limit of individual rights under the Constitution.</p>
<p>V.C.1. Personal responsibilities. Students should be able to evaluate, take, and defend positions on the importance of personal responsibilities to the individual and to society.</p>	<p>Everyone involved in the judicial process has personal responsibilities as a citizen to respect the rights and interests of others.</p> <p>Important personal responsibilities include:</p> <ul style="list-style-type: none"> • taking care of one's self • accepting responsibility for the consequences of one's actions • adhering to moral principles • considering the rights and interests of others • behaving in a civil manner <p>The success of the judicial process depends on those involved carrying out their personal responsibilities.</p>
<p>V.C.2. Civic responsibilities. Students should be able to evaluate, take, and defend positions on the importance of civic responsibilities to the individual and society.</p>	<p>There are civic responsibilities associated with being an American citizen involved in the judicial system. These include:</p> <ul style="list-style-type: none"> • obeying the law • respecting the rights of others • being informed and attentive to public issues • monitoring political leaders and governmental agencies and taking appropriate action if their adherence to constitutional principles is lacking • performing public service • serving as a juror <p>The success of the judicial process depends on those involved upholding their civic responsibilities.</p>

National Standards for Civics and Government

Lesson: Reflections of America in Supreme Court Cases

National Standards for Civics and Government Gr. 5-8	Lesson: Reflections of America in Supreme Court Cases
Specific Content Standards	Understandings Reinforced by the Lesson
<p>V.D.1. Dispositions that enhance citizen effectiveness and promote the healthy functioning of American constitutional democracy. Students should be able to evaluate, take, and defend positions on the importance of certain dispositions or traits of character to themselves and American constitutional democracy.</p>	<p>Courts may help with problem-solving in a constitutional democracy, but the extent of their success depends on all participants exercising certain dispositions or traits of character:</p> <ul style="list-style-type: none"> • Individual responsibility • Self discipline/self governance • civility • courage • respect for the rights of other individuals • honesty • open mindedness • critical mindedness • negotiation and compromise • persistence • civic mindedness • compassion • patriotism
<p>V.E.1. Participation in civic and political life and the attainment of individual and public goals. Students should be able to explain the relationship between participating in civic and political life and the attainment of individual and public goals.</p>	<p>Participation in the judicial process is not only a way to resolve current disputes, but a way to affect the way of life for others in the future.</p> <p>Courts can only hear cases that are brought before them. They do not seek cases. Citizen action is required to bring cases and activate the judicial process. Citizen action, therefore, is needed to prompt interpretations of the law and is required before courts can do their work.</p>
<p>V.E.3. Forms of political participation. Students should be able to describe the means by which Americans can monitor and influence politics and government.</p>	<p>Students who are knowledgeable citizens can seek to promote individual rights by participating in the judicial process to resolve constitutional issues.</p> <p>Both historical and current Supreme Court cases related to labor, voting, and civil rights provide examples of citizen movements seeking to promote individual rights and the common good.</p>
<p>V.E.4. Political leadership and public service. Students should be able to explain the importance of political leadership and public service in a constitutional democracy.</p>	<p>Personal qualities necessary for court-related public servants include relevant knowledge about the judicial process and current issues, communication and people skills, and traits of character.</p>
<p>V.E.5. Knowledge and participation. Students should be able to explain the importance of knowledge to competent and responsible participation in American democracy.</p>	<p>Citizens and students who are knowledgeable about the values and principles of American constitutional democracy can challenge perceived offenses and have disputes over those principles decided by the courts.</p> <p>When citizens use the judicial process to seek resolution of disputes over legal matters, they activate a system that seeks to reaffirm or change laws for the immediate and future benefit of all Americans.</p>

National Standards for Civics and Government

Lesson: Reflections of America in Supreme Court Cases

Source: *National Standards for Civics and Government* (1994) Center for Civic Education
<http://www.civiced.org/index.php?page=stds>

Grades 9-12 Content Standards Alignment

The following chart shows a more granular alignment at the standards level.

National Standards for Civics and Government Gr. 9-12	Lesson: Reflections of America in Supreme Court Cases
Specific Content Standards	Understandings Reinforced by the Lesson
I.A.1. Defining civic life, politics, and government. Students should be able to explain the meaning of the terms civic life, politics, and government.	Courts are among the formal institutions of government with the power and authority to direct or control the behavior of those in society. Interpreting laws and resolving legal disputes are the responsibilities of the judicial branch of government.
I.A.2. Necessity of politics and government. Students should be able to explain the major arguments advanced for the necessity of politics and government.	The federal courts, which make up the judicial branch of the federal government, are responsible for interpreting the law, evaluating the constitutionality of federal laws, and the peaceful resolution of legal disputes. The form and function of the government in the U.S. as defined by the U.S. Constitution helps people work collectively to accomplish goals and solve problems they cannot achieve on their own.
I.A.3. The purposes of politics and government. Students should be able to evaluate, take, and defend positions on competing ideas regarding the purposes of politics and government and their implications for the individual and society.	Sometimes there are conflicts that arise between individual rights and the common good and those conflicts may make it to the Supreme Court for resolution.
I.B. 1. Limited and unlimited governments. Students should be able to explain the essential characteristics of limited and unlimited governments.	The Constitution defines the limits of power for each branch of government—legislative, executive, and judicial.
I.B.2. The rule of law. Students should be able to evaluate, take, and defend positions on the importance of the rule of law and on the sources, purposes, and functions of law.	Adherence to the rule of law by all parties makes it possible to resolve legal disputes peacefully through the judicial process. Court decisions help ensure that the law is interpreted consistently and applied fairly for the protection of individual rights and the common good. The use of precedent helps ensure continuity and fairness over time.
I.B. 4. The relationship of limited government to political and economic freedom. Students should be able to explain and evaluate competing ideas regarding the relationship between political and economic freedoms.	Decisions in landmark Supreme Court cases help resolve disputes related to political freedom issues such as freedom of religion, speech, and the press.
I.C.1. Concepts of "constitution." Students should be able to explain different uses of the term "constitution" and to distinguish between governments with a constitution and a constitutional government.	The Constitution as the supreme law of the land defines the judicial branch of government and sets the limits of its powers.

National Standards for Civics and Government

Lesson: Reflections of America in Supreme Court Cases

National Standards for Civics and Government Gr. 9-12	Lesson: Reflections of America in Supreme Court Cases
Specific Content Standards	Understandings Reinforced by the Lesson
<p>I.C.2. Purposes and uses of constitutions. Students should be able to explain the various purposes served by constitutions.</p>	<p>It is the Constitution that sets the structure of the judicial branch, defines the role of the judiciary in relationship to the other branches of government, and gives federal courts the power to interpret the laws and resolve legal disputes.</p> <p>As the supreme law of the land, the U.S. Constitution places limits on government power in order to protect individual rights and promote the common good.</p> <p>Historical and contemporary Supreme court cases provide a glimpse of how the constitution has been used to protect individual rights and promote the common good.</p>
<p>I.D.1. Shared powers and parliamentary systems. Students should be able to describe the major characteristics of systems of shared powers and of parliamentary systems.</p>	<p>The U.S. has a shared powers system in which powers are separated among 3 branches of government with each branch having primary responsibility for certain functions.</p> <p>The Supreme Court, Congress and the President all share power over the laws of the nation.</p>
<p>II.A.1. The American idea of constitutional government. Students should be able to explain the central ideas of American constitutional government and their history.</p>	<p>The federal court system helps fulfill these purposes of government as stated in the Preamble to the Constitution:</p> <ul style="list-style-type: none"> • establish justice • insure domestic tranquility • promote the general welfare <p>The Constitution defines the limited and shared powers of the judicial branch of government. The judicial branch shares powers with other branches of government. The legislative branch makes the laws; the judicial branch interprets the laws, and the executive branch enforces the laws. The cooperation of all three branches is essential for the government to carry out its responsibilities.</p>
<p>II.A.2. How American constitutional government has shaped the character of American society. Students should be able to explain the extent to which Americans have internalized the values and principles of the Constitution and attempted to make its ideals realities.</p>	<p>Landmark Supreme Court decisions help make the values and principles of the Constitution a reality for all Americans. These shared values include respect for individual rights, justice under the law, and the right to live in peace.</p> <p>When Americans get involved in the judicial process they act on these shared values and principles in ways that end up shaping society.</p>
<p>II.B. 3. The role of organized groups in political life. Students should be able to evaluate, take, and defend positions on the contemporary role of organized groups in American social and political life.</p>	<p>Aggrieved parties often turn to prominent associations to represent them in court cases involving constitutional principles. Some associations, such as those related to labor, civil rights, and religious groups, have played significant roles in Supreme Court cases.</p>
<p>II.B.4. Diversity in American society. Students should be able to evaluate, take and defend positions on issues regarding diversity in American life.</p>	<p>Conflicts are inevitable in a diverse society of 300 million people, but in a constitutional democracy, legal conflicts can be resolved peacefully in a way that respects individual rights and promotes the common good. It is the mutual respect for Constitutional principles that makes resolution between parties possible.</p> <p>The judicial process in a constitutional democracy is one of a conflict-resolution.</p> <p>Supreme Court cases reflect the conflicts and controversies present in American society, and explain how the Court worked to help solve them.</p>

National Standards for Civics and Government

Lesson: Reflections of America in Supreme Court Cases

National Standards for Civics and Government Gr. 9-12	Lesson: Reflections of America in Supreme Court Cases
Specific Content Standards	Understandings Reinforced by the Lesson
<p>II.C.1. American national identity and political culture. Students should be able to explain the importance of shared political and civic beliefs and values to the maintenance of constitutional democracy in an increasingly diverse American society.</p>	<p>The U.S. Constitution identifies basic values and principles that are American distinctives. These include respect for the law, protection of individual rights, and justice under the law.</p>
<p>II.C.2. Character of American political conflict. Students should be able to describe the character of American political conflict and explain factors that usually prevent violence or that lower its intensity.</p>	<p>Even though there are differences of opinion regarding the interpretations of laws, those involved in the judicial process act out of a shared respect for the Constitution and its principles.</p> <p>Willingness to use the legal system to manage disputes helps reduce the potential for larger conflicts.</p> <p>A Supreme Court ruling contains the reasoning behind the majority opinion and the minority opinion. Despite differences of opinion on the Court, when a decision is made, there is a definitive answer that becomes a guiding precedent for all future cases.</p>
<p>II.D.3. Fundamental values and principles. Students should be able to evaluate, take, and defend positions on what the fundamental values and principles of American political life are and their importance to the maintenance of constitutional democracy.</p>	<p>The following values and principles are important for the judicial process to work effectively:</p> <ul style="list-style-type: none"> • individual rights (majority and minority rights) • the common or public good • justice • equality • diversity • openness and free inquiry • truth • patriotism <p>Principles fundamental to American constitutional democracy include</p> <ul style="list-style-type: none"> • Ultimate authority rests with the people • Representative institutions • Separated and shared powers • Checks and balances • Individual rights • Rule of law • Separation of church and state • Federalism
<p>II.D.4. Conflicts among values and principles in American political and social life. Students should be able to evaluate, take, and defend positions on issues in which fundamental values and principles may be in conflict.</p>	<p>Disputes and conflicts may arise between individual rights and the common good. People may agree on values or principles in general, but disagree when applying them to specific issues. When legal disputes arise, aggrieved parties may seek resolution in the courts.</p>
<p>II.D.5. Disparities between ideals and reality in American political and social life. Students should be able to evaluate, take, and defend positions about issues concerning the disparities between American ideals and realities.</p>	<p>Important American ideals include an informed citizenry, equal justice for all, concern for the common good, and respect for the rights of others.</p> <p>Decisions in landmark Supreme Court cases help reduce the discrepancy between reality and American ideals.</p>
<p>III.A.1. Distributing governmental power and preventing its abuse. Students should be able to explain how the United States Constitution grants and distributes power to national and state government and how it seeks to prevent the abuse of power.</p>	<p>As part of the judicial branch, courts have limited powers. They can only interpret laws that the legislative branch makes. Courts also depend on the executive branch to enforce their decisions about the law.</p>

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<p>III.B.1. The institutions of the national government. Students should be able to evaluate, take, and defend positions on issues regarding the purposes, organization, and functions of the institutions of the national government.</p>	<p>The three branches of government share powers over the laws:</p> <ul style="list-style-type: none"> • Legislative branch: Congress makes the laws • Executive branch: President and agencies in the executive branch enforce the laws • Judicial branch: Supreme Court of the United States and other federal courts interpret the law
<p>III.D.1. The place of law in American society. Students should be able to evaluate, take, and defend positions on the role and importance of law in the American political system.</p>	<p>The courts make decisions based on the rule of law in order to protect the rights of citizens. The Supreme Court hears cases related to the Constitution and federal laws.</p> <p>An individual's rights are protected by the trial and appellate levels of the judicial process.</p> <p>Supreme Court cases provide both historical and contemporary examples of the rule of law.</p>
<p>III.D.2. Judicial protection of the rights of individuals. Students should be able to evaluate, take, and defend positions on current issues regarding the judicial protection of individual rights.</p>	<p>The extent of citizen/student rights under the Constitution is being defined by the cases that move through the appellate process to the Supreme Court.</p>
<p>III.E.1. The public agenda. Students should be able to evaluate, take, and defend positions about how the public agenda is set.</p>	<p>All disputes that reach the Supreme Court are ones that are "hot topics" in American society.</p> <p>It is the actions by citizens and their advocates keep these issues before the public.</p>
<p>III.E.3. Political communication: television, radio, the press, and political persuasion. Students should be able to evaluate, take, and defend positions on the influence of the media on American political life.</p>	<p>Supreme Court opinions are published and made accessible to the public through electronic and print media produced by official and unofficial sources.</p> <p>Annenberg Classroom offers a wide array of education resources to assist teachers across the country in the civic education of students, including easy access to primary sources.</p>
<p>III.E.5. Associations and groups. Students should be able to evaluate, take, and defend positions about the contemporary roles of associations and groups in American politics.</p>	<p>Aggrieved parties often turn to prominent associations to represent them in court cases involving constitutional principles. Some associations, such as those related to labor, civil rights, and religious groups, have played significant roles in Supreme Court cases.</p>
<p>V.A.1. The meaning of citizenship in the United States. Students should be able to explain the meaning of citizenship in the United States.</p>	<p>All citizens have equal rights under the law which gives them access to the judicial process to resolve legal disputes. Rulings related to citizenship have been made by the Supreme Court.</p>
<p>V.B.1. Personal rights. Students should be able to evaluate, take, and defend positions on issues regarding personal rights.</p>	<p>Supreme Court opinions address historical and contemporary issues related to personal rights such as the freedom of expression and religion.</p> <p>Adherence to the rule of law helps secure personal rights in American constitutional democracy.</p>
<p>V.B.2. Political rights. Students should be able to evaluate, take, and defend positions on issues regarding political rights.</p>	<p>Decisions involving political rights, such as freedom of the press, have been made by the Supreme Court throughout history.</p>

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<p>V.B.5. Scope and limits of rights. Students should be able to evaluate, take, and defend positions on issues regarding the proper scope and limits of rights.</p>	<p>Supreme Court opinions supported by reasons help define the scope and limit of student rights under the Constitution.</p>
<p>V.C.1. Personal responsibilities. Students should be able to evaluate, take, and defend positions on issues regarding the personal responsibilities of citizens in American constitutional democracy.</p>	<p>Everyone involved in the judicial process has personal responsibilities as a citizen to respect the rights and interests of others.</p> <p>Important personal responsibilities include:</p> <ul style="list-style-type: none"> • taking care of one's self • accepting responsibility for the consequences of one's actions • adhering to moral principles • considering the rights and interests of others • behaving in a civil manner <p>The success of the judicial process depends on those involved carrying out their personal responsibilities.</p>
<p>V.C.2. Civic responsibilities. Students should be able to evaluate, take, and defend positions on the importance of civic responsibilities to the individual and society.</p>	<p>There are civic responsibilities associated with being an American citizen involved in the judicial system. These include:</p> <ul style="list-style-type: none"> • obeying the law • respecting the rights of others • being informed and attentive to public issues • monitoring political leaders and governmental agencies and taking appropriate action if their adherence to constitutional principles is lacking • performing public service • serving as a juror <p>The success of the judicial process depends on those involved upholding their civic responsibilities.</p>
<p>V.D.1. Dispositions that lead the citizen to be an independent member of society. Students should be able to evaluate, take, and defend positions on the importance to American constitutional democracy of dispositions that lead individuals to become independent members of society.</p>	<p>Courts may help with problem-solving in a constitutional democracy, but the extent of their success depends on all participants exercising certain dispositions or traits of character:</p> <ul style="list-style-type: none"> • Individual responsibility • Self discipline/self governance • civility • courage • respect for the rights of other individuals • honesty • open mindedness • critical mindedness • negotiation and compromise • persistence • civic mindedness • compassion • patriotism
<p>V.D.2. Dispositions that foster respect for individual worth and human dignity. Students should be able to evaluate, take, and defend positions on the importance to American constitutional democracy of dispositions that foster respect for individual worth and human dignity.</p>	<p>Those with respect for individual worth and human dignity tend to have these dispositions:</p> <ul style="list-style-type: none"> • Respect for the rights and choices of individuals—holding and advocating differing ideas • Compassion--concern for the well-being of others

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<p>V.D.3. Dispositions that incline the citizen to public affairs. Students should be able to evaluate, take, and defend positions on the importance to American constitutional democracy of dispositions that incline citizens to public affairs.</p>	<p>Citizens inclined to public affairs, such as public servants, tend to have these dispositions:</p> <ul style="list-style-type: none"> • Civic mindedness--what the Founders called civic virtue--or attentiveness to and concern for public affairs • Patriotism--loyalty to the values and principles underlying American constitutional democracy
<p>V.D.4. Dispositions that facilitate thoughtful and effective participation in public affairs. Students should be able to evaluate, take, and defend positions on the importance to American constitutional democracy of dispositions that facilitate thoughtful and effective participation in public affairs.</p>	<p>Traits that facilitate thoughtful and effective participation in public affairs include</p> <ul style="list-style-type: none"> • civility--treating other persons respectfully, regardless of whether or not one agrees with their viewpoints; being willing to listen to other points of view; avoiding hostile, abusive, emotional, and illogical argument • respect for the rights of other individuals--having respect for others' right to an equal voice in government, to be equal in the eyes of the law, to hold and advocate diverse ideas, and to join in associations to advance their views • respect for law--willingness to abide by laws, even though one may not be in complete agreement with every law; willingness to work through peaceful, legal means to change laws which one thinks to be unwise or unjust • honesty--willingness to seek and express the truth • open mindedness--considering others' points of view • critical mindedness--having the inclination to question the validity of various positions, including one's own • negotiation and compromise--making an effort to come to agreement with those with whom one may differ, when it is reasonable and morally justifiable to do so • persistence--being willing to attempt again and again to accomplish worthwhile goals • civic mindedness--paying attention to and having concern for public affairs • compassion--having concern for the well-being of others, especially for the less fortunate • patriotism--being loyal to the values and principles underlying American constitutional democracy, as distinguished from jingoism and chauvinism • courage--the strength to stand up for one's convictions, when conscience demands
<p>V.E.1. The relationship between politics and the attainment of individual and public goals. Students should be able to evaluate, take and defend positions on the relationship between politics and the attainment of individual and public goals.</p>	<p>Participation in the judicial process is not only a way to resolve current disputes, but a way to affect the way of life for others in the future.</p> <p>Courts can only hear cases that are brought before them. They do not seek cases. Citizen action is required to bring cases and activate the judicial process. Citizen action, therefore, is needed to prompt interpretations of the law and is required before courts can do their work.</p>
<p>V.E.3. Forms of political participation. Students should be able to evaluate, take, and defend positions about the means that citizens should use to monitor and influence the formation and implementation of public policy.</p>	<p>Students who are knowledgeable citizens can seek to promote individual rights by participating in the judicial process to resolve constitutional issues.</p>
<p>V.E.4. Political leadership and public service. Students should be able to evaluate, take, and defend positions about the functions of leadership in an American constitutional democracy.</p>	<p>Personal qualities necessary for court-related public servants include relevant knowledge about the judicial process and current issues, communication and people skills, and traits of character.</p>

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<p>V.E.5. Knowledge and participation. Students should be able to explain the importance of knowledge to competent and responsible participation in American democracy.</p>	<p>Citizens and students who are knowledgeable about the values and principles of American constitutional democracy can challenge perceived offenses and have disputes over those principles decided by the courts.</p> <p>When citizens use the judicial process to seek resolution of disputes over legal matters, they activate a system that seeks to reaffirm or change laws for the immediate and future benefit of all Americans.</p>