



Curriculum Units by Fellows of the Yale-New Haven Teachers Institute
2004 Volume I: The Supreme Court in American Political History

Introduction

The Supreme Court has played a significant role in American political history; but there is considerable dispute about the actual practical effects of its rulings, about the desirability of any clearly demonstrable effects, and about the democratic legitimacy of its interventions. Our seminar examined landmark Court decisions, both in our past history and in our own times. We considered *Marbury v. Madison* (1803), the foundational ruling for judicial authority; *Dred Scott v. Sandford* (1857), which attempted to rebuff Northern attacks on slavery and, many would say, helped to provoke the Civil War; *Brown v. Board of Education* (1954), which overturned state-sponsored race discrimination and, many would say, precipitated the modern Civil Rights movement; *Roe v. Wade* (1973), which invalidated state abortion restrictions and fueled a continuing national political and social controversy; *Bush v. Gore* (2000) which made George W. Bush president and, many would say, cast an aura of illegitimacy over his accession; *Grutter v. Bollinger* (2003) which upheld race-based affirmative action admissions policy in universities; and *Lawrence v. Texas* (2003), which overturned state laws criminalizing consensual homosexual relations.

The curriculum units prepared by the Fellows address some specific aspect of the Supreme Court's work. Some of the units directly deal with the cases we discussed - John Buell on the *Dred Scott* decision; Sharron Solomon-McCarthy on *Hammer v. Dagenhart* and the Child Labor Law cases. Other units focus on some other specific area of the Court's work - Peter Herndon on separation of church and state; Joan Rapczynski on the Warren Court generally; Joanne Pompano on disability rights; Joanna Ali on reproductive rights, specifically as applied to the human cloning controversy; Thomas Leaf on free speech issues in public schools. And two of the units address more general themes that apply to the entire range of the Court's work in American democracy - Priscilla Luoma on the cultural significance of the Constitution as an expression of the ideal relationship between the individual and society; and Mnikesa Whitaker on the language of Supreme Court opinions as a window on shifting political imagery, with specific reference to the historical evolution of the social status of African-Americans.

All of the units provide a rich perspective on the basic underlying question that we considered in our seminar discussions - that is, the actual practical effects of Supreme Court rulings, the desirability of any such effects and the legitimacy of the Court's claim to authority in resolving these intensely disputed issues.

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